

4

# LAWS and ACTS

Past in the Third Session of the First  
PARLIAMENT  
Of our most High and Dread SOVERAIGN,  
**CHARLES**

THE SECOND,

*By the Grace of GOD, King of SCOTLAND,  
ENGLAND, FRANCE and IRELAND,  
Defender of the Faith.*

Holden at Edinburgh , from the eighteenth of June, 1663. to the  
ninth of October thereafter, on which day the  
the Parliament was dissolved,

*By a Noble Lord, John Earl of Rothes , Lord  
Lesly and Bambrough , His MAJESTIES  
Commissioner for holding the same , by  
virtue of a COMMISSION under His  
MAJESTIES Great Seal of  
this Kingdom.*

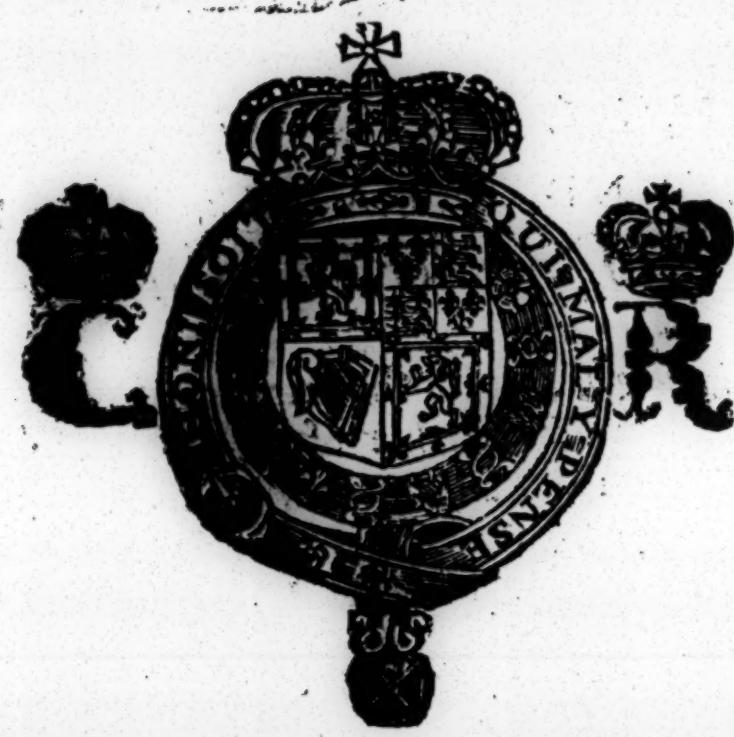
*With the special Advice and Consent of the Estates  
of Parliament.*

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EDINBURGH,  
Re-printed by Andrew Anderson , Printer to the King's most  
Excellent MAJESTY, Anno DOM. 1674.

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**LAW S and ACT S past in the third SESSION of  
the first PARLIAMENT of our most High and Dread  
Sovereign, C H A R L E S the Second, by the  
Grace of G O D, King of Scotland, England,  
France and Ireland, Defender of the Faith.**

*Begun at Edinburgh, upon the eighteenth of June, 1663.  
and continued to the ninth of October thereafter.*

I.

**ACT against separation and disobedience to  
Ecclesiastical Authority.**



Orasmuch as the King's Majesty, considering the prejudices which did ensue to the Church and Protestant Religion, to the Prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Laws and Peace of the Kingdom, by the invasions made upon Episcopal Government during the late troubles; and finding that Government, to be the Church government, most agreeable to the word of God, most convenient and effectual for preservation of Truth, Order and Unity, and most suitable to Monarchy and to the Peace and Quiet of the State; Hath ther efore, with advice and consent of his Estates of Parliament, by several Acts past in the second Session of this

#### 4      *The Thrid Session of the first Parliament*

Parliament, restored the Church to it's ancient and right Government by Archbishops and Bishops, and hath redintigrated the estate of Bishops to the exercise of their Episcopal Function, and to all the Priviledges, Dignities, Jurisdictions, and Possessions due and formerly belonging thereunto. And in further order to the settlement of the Church, and bringing the Ministers to a due acknowledgment of, and complyance with, the Government thereof thus established by Law, His Majesty, with advice foreaid, hath also Statute and Ordained, That all these Ministers, who entred to the Cure of any Paroch without Right or Presentations from the lawful Patron, in and since the year, onethousand six hundred and fourty nine, and should not, betwixt and the twentieth of September last, obtain Presentations from their several Patrons, and Collation from the Bishop of the Diocess where they lived, should have no right to the uplifting the Rents of any Benefice or Stipend for the year, one thousand six hundred and sixty two, but that their Places, Benefices and Kirks should be, *ipso jure*, vacand: And that whatever Ministers should, without a lawfull excuse to be admitted by their ordinary, absent themselves from the diocesan Assembly, or who should not concur in all the Acts of the Church-discipline, as they should be thereunto required by the Archbishop or Bishop of the Diocess, should be for the first fault suspended from their Office and Benefice till the next diocesan Meeting; and if they amend not, should be deprived, and the Church and Benefice to be provided as in other cases of vacancies. And the King's Majesty, having resolved to conserue and maintain the Church in the present State and Government thereof by Archbishops and Bishops, and others bearing office therein, and not to endure nor give way or connivance to any variation therein in the least. Doth therefore, with advice and consent of His Estates conveened in this third Session of His Parliament, Ratifie and Approve the afore-mentioned Acts and Laws made in the two former Sessions of Parliament, in order to the setling of Episcopal Dignity, Jurisdiction and Authority within this Kingdom; and Ordains them to stand in full force as publick Laws of the Kingdom, and to be put to further execution in all points conform to the tenor thereof. And in pursuance of His Majesties Royal resolution herein, His Majesty, with advice aforesaid, doth recommend to the Lords of His Majesties Privy Council, to take spee dy and effectual course, that these Acts receive ready and due obedience from all His Majesties Subjects; And for that end, that they call before them all such Ministers, who, having entred in or since the year one thousand six hundred and fourty nine, and have not as yet obtained Presentations and Collations, as aforesaid, yet dared to preach in contempt of the Law, and to punish them as feditious persons and contemners of the Royal Authority. As also, that they be carefull, that such Ministers, who keep not the diocesan Meetings, and concur not with the Bishops in the Acts of Church-discipline, being for the same suspended or deprived, as said is, be accordingly, after deprivation, removed from their Benefices, Glebs and manses; and if any of them shall notwithstanding offer to retain the possession of their Benefices or Manses, that they take present course

course to see them dispossess; and if they shall thereafter presume to exercise their Ministry, that they be punished as seditious persons, and such as contemn the Authority of Church and State.

And as His *Majesty* doth expect, from all His good and dutifull Subjects, a due acknowledgment of, and hearty complyance with, His *Majesties* Government, Ecclesiasticall and Civil, as it is now established by Law within this Kingdom, and that in order thereunto they will give their chearfull concurrence, countenance and assistance to such Ministers, as by publick Authority are or shall be admitted in their several Paroches, and attend all the ordinary Meetings for divine Worship in the same; So His *Majesty* doth Declare, That He will, and doth, account a with-drawing from, and not keeping and joyning in, those Meetings, to be seditious, and of dangerous example and consequence. And therefore, and for preventing the same for the future, His *Majesty*, with advice and consent of His Estates in Parliament, doth hereby Statute, Ordain and Declare, That all and every such person or persons, who shall hereafter ordinarily and willfully withdraw and absent themselves from the ordinary Meetings of divine Worship in their own Paroch Church on the Lordsday, (whether upon account of Popery or other disaffection to the present Government of the Church) shall thereby incur the pains and penalties under-written, viz. Each Nobleman, Gentleman and Heretor, the loss of a fourth part of ilk years Rent, in which they shall be accused and convicted; and every Yeoman, Tennent or Farmer, the loss of such a proportion of their free moveables (after the payement of their Rents due to their Master and Land-lord) as His *Majesties* Council shall think fit, not exceeding a fourth part thereof; and every Burges to lose the libertie of Merchandizing, Trading, and all other Priviledges within Burgh, and fourth part of their moveables. And His *Majesty*, with advice foresaid, doth hereby authorize and require the Lords of His *Majesties* Privy Coucil, to be carefull to see this A&t put to due execution; and for that end, to call before them all such persons as after admonition of the Minister, in presence of two sufficient witnesses, and by him so attested, shall be given up to the Council as transgref-sors of this A&t, in with-drawing from their Paroch Churches as aforesaid; and the same, after hearing of the parties, being duely found, to decern and inflig the censures and penalties above-mentioned, and such other corporal punishment as they shall think fit, and direct all execution necessary for making the same effectual, and to do every other thing they shall find necessary, for procuring obedience to this A&t, and putting the same to punctual execution, conform to the tenor and intent thereof.

## II.

*Additional ACT concerning the Declaration to be signed by all persons in publick Trust.*

Orasmuch, as by an Act, past in the second Session of this Parliament, on the fifth of September last, concerning the Declaration to be taken by all persons in publick Trust, It is remitted to His Majesties Commissioner to take such course as he should think fit, how these, who are presently in Office, may subscribe the Declaration ; And the King's Majesty being resolved, that all in publick Trust, should, without further delay, sign the same ; But considering, that in this vacand time, many of the Couris of Justice do not sit, so as some longer time must be allowed unto them. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and ordains all persons, who enjoy or posses any publick Trust or Office within this Kingdom, as, Officers of State, Members of Parliament, Privie Councillors, Lords of the Session, Commissioners in Exchequer, all members of the Colledge of Justice ; Sheriffs, Stewarts, Bailes of Regalities, Commissaries, Justices of Peace and their respective Deputies and Clerks, and all who enjoy any other publick Charge, Office or Trust within the Kingdom, to subscribe the Declaration thereunto subjoyned, in presence of the several Courts they relate to, betwixt and the eleventh of November next to come, or sooner, as they shall have occasion or be required thereto by His Majesties Council ; Discharging hereby all such of them, who shall not sign the same, as said is, to exercise any publick Trust or Office within the Kingdom, after the said eleventh of November. And that a speedy account may be returned hereof, It is hereby Ordained, that the Sheriffs in the several Shires be carefull in requiring due obedience to this Act, and that they and all others concerned therein, make report thereof to His Majesties Council, betwixt and the first of January next to come. And seeing the election of the Magistrates and Council of Burghs will occur about Michaelmass next, and that some disaffected persons in Burghs, having none or small advantages by their Magistracy, may, upon account of this Declaration, refuse to accept any Charge or Trust; It is therefore, by His Majesty, with advice foresaid, Statute, That at the next ensuing election of Magistrates within Burgh, all such persons who shall continue in, or be of new elected to be Magistrates, Clerks, or of the Council of Burghs, shall at such their elections, if they be present, or otherwise, how soon thereafter they shall be required thereto by those who did elect them, sign the Declaration aforesaid ; Declaring hereby, all who shall refuse or delay the same, to be from thenceforth not only incapable of, and to have forfeited, the privileges of a Magistrate, but also all the privileges of Merchandizing, Trading, and others belonging to a Burgess ; And that the several Burghs

## of King CHARLES the II.

7

Burghs make report of their proceedings therein to His Majesties Council, betwixt and the foresaid eleventh of November, as they will be answerable upon their duty and allegiance: And for such as shall hereafter be admitted to any publick Trust or Office, they are to sign the Declaration in the maner, and under the certifications, exprest in the former Act of Parliament of the fifth of September. And His Majesty doth hereby recommend to the Lords of His Majesties Privy Council, to be carefull that these Acts be put to due execution, and receive obedience conform to the tenor thereof.



Do sincerely affirm and declare, that I judge it unlawfull to Subjects, upon pretence of Reformation or other pretence whatsoever, to enter into Leagues and Covenants, or to take up Armes against the King or these Commissionate by Him: and that all these Gatherings, Convocations, Petitions, Protestations, and erecting and keeping of Council-tables, that were used in the beginning and for carrying on, of the late troubles, were unlawfull and seditious. And particularly, that these Oaths, whereof the one was commonly called The National Covenant, (as it was sworn and explained in the year, one thousand six hundred and thirty eight, and thereafter) and the other entituled, A Solemne League and Covenant, were, and are, in themselves, unlawfull Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same: And that there lyeth no obligation upon me, or any of the Subjects from the saids Oaths, or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingnom.

III.

## ACT against Protections.



The King's most Excellent Majesty being carefull, that the benefit of the Law in the administrations of Justice, be free to all His Majesties good Subjects; And considering the prejudices many have formerly sustained in the stopping of the course of Justice, by the too frequent granting of Protections against personal execution. Therefore, and for preventing of the like for the future, His Majesty, with advice and consent of His Estates in Parliament, Doth Ratifie, Approve and Renew all former Acts of Parliament, made against the granting of Protections; And Dischargeth the Lords of His Majesties Privy Council, Session and Exchequer, to grant Protections to any persons against personal execution, certifying such as shall grant the same, they shall be lyable for the debt against which they grant the Protection; and all execution shall pass against the havers thereof, as if the same had not been granted.

It is always hereby Declared, That notwithstanding hereof, it shall

### 8      *The third Session of the first Parliament*

shall be free to the Lords of His Majesties Privy Council, Lords of Session and Exchequer, and to the Justice-general and His Deputes, when any person or persons are summoned and appointed to appear personally before them, to give order now, as they have been in use formerly to do, for suspending personal execution against the persons so summoned and appointed to appear, for such few dayes, as they may come to give their appearance, and during their necessar stay, and some few dayes for their return, and that according as the saids respective Judges shall find reason, upon the particular applications to be made thereupon.

### IV.

### *ACT for the establishment and constitution of a National Synod.*



Orasmuch as the ordering and disposal of the external Government of the Church, and the nomination of the persons, by whose advice matters relating to the same are to be settled, doth belong to His Majesty, as an inherent right of the Crown, by vertue of His Prerogative-royal, and suprem Authority in causes Ecclesiastical: And in prosecution of this Trust, His Majesty, considering how fit and necessary

it is, for the honour and service of Almighty God, the good and quiet of the Church, and the better Government thereof in unity and order, that there be a National Synod and Assembly duly constitute within this Kingdom, Hath therefore Appointed and Declared, and by these presents Appoints and Declares, that there shall be a *National Synod of the Church of Scotland*; And that this Synod, for the lawfull Members thereof, shall consist and be constitute of the Arch-bishops of St. Andrews and Glasgow, and the remanent Bishops of these two Provinces, of all Deans of Cathedral Churches; Arch-deacons, of all the Moderators of Meetings for exercise, allowed by the Bishops of the respective Diocese, and of one Presbyter or Minister of each Meeting, to be chosen and elected by the Moderator and plurality of Presbyters of the same; and of one or two from the University of St. Andrews, one from Glasgow, one from the King's Colledge, one from Marshals Colledge of Aberdeen, and one from the Colledge of Edinburgh; And this Synod, thus constitute, is to meet at such times and places as His Majestie, by His Proclamation, shall appoint; and is to debate, treat, consider, consult, conclude and determine upon such pious matters, causes and things, concerning the Doctrine, Worship, Discipline and Government of this Church, as His Majesty shall from time to time, under His Royal hand, deliver, or cause be delivered, to the Archbishop of St. Andrews, President of the said National Assembly, to be by him offered to their consideration. The Estates of Parliament do humbly recognosce and

and acknowledge His Majesties Royal Powet and Prerogative aforesaid, with the piety, justice and prudence of His Majesties resolution herein; Likeas His Majesty, with their advice and consent, doth hereby Establish, Ratifie and Confirm this constitution of a National Assembly, as the lawfull constitution of the National Synods and Assemblies of this Church, His Majesty, or His Commissionet (without whose presence, no National Synod can be kept) being alwayes present: And Declares, That no Act, Canon, Order or Ordinance shall be owned as an Act of the National Synod of the Church of Scotland, so as to be of any effect, force or validity in Law, to be obserued and keeped by the Archbishops and Bishops, the inferiour Clergy, and all other persons within this Realm (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted and agreed upon by the President and major part of the Members above-specified. It is alwayes hereby provided, that nothing be enacted or put in execution, by authority of a National Synod within this Kingdom, which shall be contrary to His Majesties Royal Prerogative or the Laws of the Kingdom; And that no Act, Mater or Cause be debated, consulted and concluded upon, but what shall be allowed, approven and confirmed by His Majesty or His Commissior, present at the said National Synod.

## V.

*ACT anent ruinous houses in Royal Burghs.*



UR SOVEREIGN LORD being informed, that upon the high Streets of several of His Majesties Burghs-royal, and in the vennels and other passagts within the same, there be many houses in the publick view of all people resorting thereto, very ruinous and not inhabited these divers yeare by gone, nor likely to be repaired by any, to the great opprodry of the said Burghs, and common scandal of the Kingdom, as being altogether defective of that policy and good order which is, and ever hath been, so earnestly intended in the many whollom and laudable Laws already made, by His Majesty and His Royal Progenitors of most worthy memory. And finding the Burroughs very desirous to have these many dangers and inconveniences prevented and remedied, which the inhabitants of these Burghs, and the rest of the Lieges frequenting the same, do continually fear from such ruinous buildings; Doth therefore, with advice of His Estates of Parliament, Ordain the Provost and Bailies of the Burgh where such ruinous houses are, to cause warn and charge all persons that have or pretends right to the property of such Lands and Buildings, or any Annual-rents forth thereof, to cause build and repair, in a decent way

## 10 The third Session of the first Parliament

within year and day, such Houses and Buildings as have been wast and not inhabited three years before the date of this present Act, or shall be wast and not inhabited thereafter by the foresaid space of three years, or else to sell the same to others, to be builded within the same space of year and day: And to charge all known persons, personally or at their dwelling places, and by open Proclamation at the Paroch-kirk or Mercat-cross of the Burgh; and all others by open Proclamation at the said Mercat-cross and Paroch-kirk. And in case of their absence out of this Realm, at the Cross of Edinburgh, and Peer and Shoar of Leith, upon threescore dayes; with certification to them if they failzie, the said Provost and Baillies shall cause the said Lands and Tenement to be valued by certain persons, to be chosen and sworne by them for that effect, and sell the same to any person that will buy them, and pay the price of the same to these owners, if they be known; and if they be not known, to consign the prices thereof in the hands of the Provost, one of the Baillies, or Dean of Gild of the said Burgh, to be forth-coming to them who have interest thereto. And if no man will buy them, it shall be lawfull to the said Provost and Baillies after apprising thereof, as said is, and payment of consignation of the prices of the same, to cast down the said ruinous Houses and cause build the same of new. And His Majesty, with advice foresaid, Declares, That it shall not be lawfull in time coming to any maner of person to pursue them nor their successors therefore, nor pretend any right or interest thereto, but that the said right shall be a perfect security to the builders thereof and their successors.

## VI.

### *Act discharging the importation of Strong-waters, &c.*



Ur Sovereign Lord and Estates of Parliament, understanding, that there are divers Strong-waters, Mum-beer and other Beer for drinking, brought into this Kingdom from forraign places, which might be more conveniently made within the Kingdom, to the benefit of the natives thereof. Therefore, His Majesty, with consent of the saids Estates Discharges all in-bringing of *Aqua vita* or strong-waters, Mum-beer and other Beer for drinking (except Black-beer, called Spruce-beer) within this Kingdom, under the pain of escheat thereto.

ACT

VII.

*ACT discharging the mixing of Tin with Lead.*



Ur Soveraign Lord and Estates of this present Parliament considering, the great hurt sustained by His Majesties Lieges, by the fraudulent dealing of Pewterers, in mixing the finer sort of Tin brought from England, France, Flanders and other parts beyond sea, with baser and courser metall of Tin and Lead, and their exacting greater prices betwixt the new Pewter casten by them, and the old which they receive from the Lieges. For remeid thereof, it is Statute and Ordained, that the Pewterer or Founder of Tin, shall put the mark of the Thistle, and the Deacons mark, with his own name, upon every peece of work that he happens to cast, and that the same shall be of the finest of the Pewter marked with the Rose in England; And in case the same be under the finest of the said Pewter of England, that the same shall be confiscat, and he punished in his person at the discretion of the Magistrates of the Burgh where he dwels: And to that effect, that there be a Say-master appointed by the Magistrats in each Burgh, for trying of the same. As likewayes, that he shall take, betwixt the pound of old Pewter and Tin, marked with the Rose foresaid, and the pound of new casten by him two shillings scots allanerly, under the pain foresaid.

VIII.

*ACT anent the discharging of advocations for sums within two hundred merks.*



Ur Soveraign Lord and Estates of Parliament considering, the manifold prejudices and troubles arising to divers of all His Majesties Lieges, in pursuing of maters of smal importance, by the too frequent granting of Advocations from inferiour Judges. Therefore, our said Soveraign Lord, with advice and consene of the saids Estates, Discharges the Lords of Session from giving and granting Letters of Advocation, of any actions intended or to be intended before whatsoever inferiour Judicatories, which may competently by the Laws of the Kingdom, be decided by the saids inferiour Judges, before whom the said Action is or shall be intended, for sums of money within two hundred Merks; or for any other cause, wherunto, by the Laws of the Kingdom, the saids inferiour Judges are expressly appointed Judges.

**IX.*****ACT in favours of Minors, anent the duties of  
the Lands comprised from them.***

 Our Sovereign Lord considering, the favourable condition of Minors, who are often-times destitute of Tutors and Curators; and though they have them, yet in respect of their minority, they are not in capacity or credit to raise sums of money for satisfaction of their Creditors: And it being unreasonable, that their Creditors comprisers of their Estate, should, during the non expiring of the legall reversion, which, according to Law, continues during their minority, have more advantage by their Estate then corresponds to the Annual rent of the true sums owing to them by virtue of their comprisings; Doth, with advice and consent of His Estates of Parliament, Ratifie and Approve the ACT of Parliament, made in August, one thousand six hundred and twenty one, Cap. 6. in so far as the same concerns Minors; And Declares, that the true meaning thereof was, and is, that Minors, having right to the legal reversion, should be no further obliged during their minority of twenty one years of age, but allanerly for the Annual-rent of the sums contained in the comprisings; and that they lose not the right of the superplus of the mailes and duties of the Lands, so far as the same exceeds the said Annual-rents, during their said minority.

**X.*****ACT against exportation of money forth of the Kingdom.***

 He Estates of Parliament considering, how much the Kingdom is impoverished by the daily exportation of money forth of the same; and that the making use of our own native Commodities, for furnishing us with these things which formerly were brought to us from forraign places, is, by the commendable industry of several deserving Country-men and ingeuous Artists, much improved: And that in order to their encouragement, and that our own native Commodities may go the better off, necessar it is, that some more severe restraint then formerly be laid upon the exportation of money. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, That no person or persons whatsoever, shall trade or use merchandize with any other Nation, till first they take an Oath before the Lord Thesaurer or Thesaurer-depute, or before such persons as they shall appoint for that effect, that they shall not export by themselves or others, directly or indirectly, by Sea or Land, any Gold or Silver, coyned or un-coyned

ned, except such a sum as they shall declare upon oath before the said Lord Thesaurer, Thesaurer-depute, or these appointed by them, as said is, to be necessar for making of their voyage to the Port where they are going; and that if he know any money transported by any other person, he shall delate the same to the Lord Thesaurer, Principlall or Depute, or to the foresaid persons appointed by them. As likewise, every Skipper shall, before he make any voyage after the publication hereof, to any other Kingdom or Nation, take an Oath before the said Lord Thesaurer or Thesaurer-depute, or these appointed by them for that effect, that he shall not himself transport, nor suffer any Gold or Silver, coyned or un-coyned (except as is above-excepted, and except the sum of threescore pounds at most, which every Passenger is hereby allowed to carry forth of the Countrey for his necessar spending) to be transported in the Ship wherein he is Master, and that he shall use his outmost endeavour for discovery of the same, if any be: And that if after he hath made sail, it shall come to his knowledge, that there is any money concealed in his Ship, or in any other Ship, he shall, at his return, delate the same to the Lord Thesaurer Principal or Depute, or to those appointed by them for that effect: and which persons appointed by them, are hereby required, to give timeous notice thereof to the said Lord Thesaurer or Thesaurer-depute, under the penalty of the half of the money informed to have been transported. And sicklike, the saids Oaths shall be renewed and taken before the saids Lord Thesaurer or Depute, or these appointed by them, as said is, by all Skippers and Merchants, at the making of every particular voyage; and both the saids Oaths shall be subscribed by the respective parties, and insert in the Books of Exchequer, or in the books of these persons appointed by the Lords Thesaurer or Depute for that effect; for which Extracts, they shall pay to the keepers of these Registers twelve shillings Scots all a nerly, the one thereof to be carried to the Customer, and insert in their Books gratis: the other to be carried to the keeper of the Cocquet, and insert in His Books gratis. And it is further Statute and Ordained, That in case any Merchant or Skipper, shall, after the publication hereof, trade with, or make any voyage to any other Kingdom or Nation, before the taking of the saids Oaths and production of the Extracts thereof to the Customer and keeper of the Cocquet, that then they shall forfeit the fifth part of their moveables and be uncapable, the Merchant of all trading, and the Skipper of having any charge of any Ship within this Kingdom, in all time coming. Provided alwayes, that the taking of the Oaths aboves-mentioned shall be without prejudice of search for, or seizure of, any exported money: And if any Gold or Silver, coyned or un-coyned, shall, after publication hereof, be discovered carrying out of the Kingdom, by any person who hath taken the said Oath, the same not only to be confiscat, but the person or persons owners thereof, to be proceeded against as perjured persons, and further lyable to six moneths imprisonment. As also, it is hereby Declared, that notwithstanding of the said Oaths, if it shall at any time thereafter be legally proven, money hath been carried out of the Kingdom by the persons takers of the said Oath, the saids persons shall be proceeded against

## 14 *The third Session of the first Parliament*

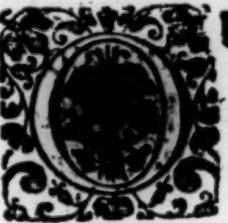
as perjured persons, and by and attour, be fined in the value of the money exported; and whatsoever money shall be discovered or seized upon, the one half thereof to be for His Majesties use, and the other half to the informer. And the Lord Thesaurer and Thesaurer-depute are hereby required to appoint sufficient honest men, to be found at the respective Ports of this Kingdom, or Royal Burghs next adjacent thereto, for taking of the saids Oaths; And that they take bond, with sufficient caution, from each of the persons so appointed, under the pain of six thousand pounds Scots, that they shall not suffer any Merchant or Skipper to use trade or Merchandize with any forraign Kingdom or Nation, before they have taken the saids Oaths; and shall do their utmost endeavours for discovery and seizure of all money carryed out of the Kingdom: And that if it shall be informed to them, that any money hath been carryed out of the Kingdom, they shall give speedy and timeous notice of their information to the said Lord Thesaurer or Thesaurer-depute, the one half of the forefaid sum of six thousand pounds, in case of failzie, to be for His Majesties use, and the other half to be given to the delator, and to be further lyable to six moneths imprisonment for breach of their trust. And ficklik, the said Lord Thesaurer principal, and Thesaurer-depute, are hereby required to cause the Farmerers and Collectors of the Custom and keepers of the Coquet, to take an Oath, that the saids Farmerers and Collectors of the Custom shall use their utmost endeavours, for the discovery and seizure of all money carrying out of the Kingdom by Sea or Land, either by Merchant, Skipper, or by any person of whatsoever quality or degree, except as is above excepted; and that they shall not give warrant to any Skipper or receive a Coquet, unless they have received, both from the Skipper and Merchants in the Ship, extracts of the respective Oaths, as said is; and that the keepers of the Coquets shall give no Coquet, unless they have likewise received extracts of the Oaths above-mentioned, both from Skipper and Merchants; and both Customerers and keepers of the Coquet to give bond, with sufficient caution, under such sums of money as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit, for fullfilling of the premisses. And in case the saids Farmerers, Collectors and keepers of the Cocquet, or either of them, shall refuse to compear, or compearing, refuse to delay to take the Oath, and give their Bond as aforesaid, then their Tack, Commission, Gift, or any other Title by which they enjoy their Places and Charges, to be void and null, and they to be further lyable to such censures, as the said Lord Thesaurer principal, and Thesaurer-depute shall think fit for their contumacy. And if it shall be made appear to the said Lord Thesaurer principal, and Thesaurer-depute, that any of the Farmerers or Collectors of Custom, or keepers of Coquet, shall transgresst the Oath and Bond above-mentioned in any part, then their Tack, Commission, Gift, or any other Title by which they enjoy their saids Places, to be void and null, and they to have incurred the sums and penalties contayned in their respective Bonds (the one half thereof to be given to the informer or delator) and to be further proceeded against as perjured persons; Discharging hereby, all grant-

ing

ing of Licences for exporting of money; except to such persons allanerly as shall make faith in Exchequer, or these appointed by the Lord Thesaurer or Thesaurer-depute, and give sufficient Bond, that the money which they are to carry out, is to be bestowed upon Timber in Norway, or in order for bringing in of Victual in time of extream dearth; and that they shall return, *in specie*, what part of the money shall not be bestowed.

## XI.

### ACT for encouragement of Tillage and Pasturage.

 Ur Sovereign Lord considering, how necessar it is, for the encouragement of the tillage of this Country, which is subject to so much toil and expence, though the improvement thereof be most advantagious to the whole Kingdom, That liberty be granted for the exportation of Corns, after the Natives are sufficiently provided for. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Declares, That it shall be lawfull to export Corns of all sorts, when they are under the prices following, at the Ports or respective places of exportation; viz. ilk Boll of Wheat, under twelve pounds the Boll, Barley and Beir, under eight pounds the Boll, Oats and Pease, under eight merks the Boll; notwithstanding of any former Acts, Laws or Practice to the contrary, they paying the usual Custom and Bullion as formerly: with this provision, That when the Lords of His Majesties Secret Council shall judge it necessar, for the good of the Kingdom and preventing of dearth, they may discharge the exportation of Victual of all sorts, for so long time as they shall think fit. As also, for improvement of the Pasturage of this Kingdom, and for encouragement of the breeders of the Bestial thereof, It is Statute and Ordained, with advice and consent aforesaid, that the exportation by Sea, of all sorts of Bestial, either Holt, Sheep or Swine, and barrelled Fleshes of all sort, shall be free of Custom, Bullion, and all other impositions, for the space of nineteen years next after the date thereof.

## XII.

### ACT for a new Imposition upon English Commodities.

 He Estates of Parliament considering, how much it concernes the credit and wealth of the Kingdom, that our own native Commodities be manufactured amongst our selves, and that the endeavours of such persons as are setting up Manufacturies and Trades, have been, and are much retarded, by the importation of such forraign commodities as may be made within the Kingdom. Therefore, and for their due encourage-

## 16 The third Session of the first Parliament

agement, the King's Majesty, with advice and consent of the Estates of Parliament, Statutes and ordains, That from and after the first day of September next twelve pounds Scots upon ilk ell of broad English Cloath; six pounds upon ilk ell of York-shire and all narrow Cloath; two pounds eight shillings upon ilk ell of Searge; thirty shillings upon ilk ell of Castilians; fourty eight pounds upon ilk Beaver-hat; twenty four pounds upon ilk Demy-beaver and Vigon; and three pounds upon the piece of ilk common Hat; thirty six pounds upon ilk dozen of worstead Stocking; twenty four pounds upon the duzon of Stag-gloves; and twelve pounds upon the dozen of single Stags, Cordwains, Kid or Shiverings; and twenty four shillings upon ilk pound of Tobacco, imported either for sale or private use into this Kingdom from England, all Scots money; Be exacted, levied and collected; and fourscore per cent. upon all other sorts of Commodities imported into this Kingdom from England, and not particularly named in this Act, and upon all the growth and manufactory of that Kingdom, though imported from any other place, and that over and above all other impositions upon the same already. And to the effect this present Act may be the more exactly put to execution, It is Statute and Ordained, That all Goods imported from England, or of the growth and manufactory of England, not above particularly express, shall be valued, after sighting, by two skilfull honest men, upon oath, to be nominate by the Dean of Gild or his assessors, or Magistrates of the Burgh, or next adjacent Burgh to the Custom-office, where the saids Goods are entered, or by the oath of the party to whom the saids Goods belongs, and accordingly pay the said fourscore per cent. And the Lords Thesaurer and Thesaurer-depute, and Lords of His Majesties Exchequer, are hereby required to take an Oath, and bond with sufficient Caution, from the Farmers Collectors of the saids impositions, that they shall exactly collect the same, without any abatement thereof, directly or indirectly; and that they shall not suffer any of the saids Goods to pass or be conveyed away unentered, and that under the penalty of the worth of the saids Goods, if the contrary shall be made appear, the one half thereof to His Majesties use, and the other half to the informer, and under the pain of forfaulting their Tacks and Commissions, and being declared incapable to farm or collect, in any time hereafter, any Custom, Excise, or other Imposition whatsoever within this Kingdom. And if any of the fore-saids Goods or Commodities shal be informed and made appear to be brought in, or shal be seized upon, not being entered in the Custom-office, or any other Office appointed for that effect, then the same to be wholly confiscat, the one half to His Majesties use, and the other half to the first informer or seizer thereof.

ACT

XIII.

A C T imposing a Custom upon Corn imported from Ireland into this Kingdom.

**H**E Estates of Parliament considering, what great sums of money are carried out of the Kingdom, by persons, importers of Corn hitherto from Ireland, who having sold their Corns, export the money without bartering any of the Commodities of this Kingdom; whereby the whole Nation, particularly those near adjacent parts of the Kingdom are much impoverished of money: And that it is just and reasonable that the said Corns should bear Custom, toward the increase of His Majesties Revenue, proportionably with other imported Commodities, especially when the Corns of this Kingdom are sold at easie rates. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Doth hereby impose three pounds Scots of Custom upon ilk boll, Linlithgow measure, of Corn imported into this Kingdom from Ireland, after the first day of September next; and appoints thirtie shillings Scots to be raised upon ilk boll already imported, and not yet retailed, conform to an ACT of the Committee of Estates made thereanent, in anno, one thousand six hundred and sixty. But, least the more indigent sort of people might be prejudged, by hightning the prices of the saids Corns in time of dearth, under pretence of the said Custom; Therefore, the King's Majesty with advice and consent foresaid, doth hereby give power to the Lords His privy Council, to remit and discharge the exacting of the said Custom, when they shall find the prices of the Victual of this Kingdom, Meal and Barley respectivs, to exceed eight pounds the boll; And appoints the Lords of His Exchequer to cause put this ACT to full execution, and cause the foresaid Custom be exactly levied, with power to them to allow such fees to the Collectors thereof as they shall think fit.

XIV.

A C T for in-bringing of His Majesties Rents.

**H**erasmuch, as His Majesty and Estates of Parliament, taking to their consideration, the great contempt and neglect of the several Fewers and others lyable in payment of His Majesties Rents, where-through notwithstanding of the diligence and endeavours of His Majesties Thesaurer principal, Thesaurer-depute, and others His Majesties Officers appointed for the management of His Majesties Revenue) the same are not payed, or otherwise so unseasonably payed, that it proves a great hindrance and prejudice to His Majesties Affairs. And finding several Acts of Parliament made for the timeous and seasonable payment of His Majesties Rents as well constituting the time and sittng of Exchequer, to the effect that the persons lyable in payment, might know both the time, place and persons, where, when and to whom they should compt and make payment of the saids Duties, as also such sensures and penalties as might induce them to due obedience thereto: Particularly, the sixty third ACT, Par.eleventh, Holden by His Majesties Grand-father of blessed memory, in anno, one thousand five hundred and eighty seven, Ordaining the Exchequer to sit down the first day of July yearly, and to continue to the last day of August thereafre: requiring not only the Thesaurer, Comptroller, Collector, their Depures and other Officers, to be present and give their attendance during the said time; but also, all persons lyable in payment, who ought to make compt in Exchequer to be charged by Precepts to compair therat, under the pain of fourty pounds to be up-lifted by the Thesaurer; Ordaining Letters of Horning to be directed against them for payment thereof, and that the saids persons do attend for making of the saids accomps to the close thereof; and in case of disobedience to the said Precept, that they be charged of new at the Mercat-cross of Edinburgh, and in case of their disobedience to the said charge to be denounced Rebels at the said

## 18 The third Session of the first Parliament

Cross; which denunciation is declared to be as sufficient, as if the same were at the head Burgh of the Shire where the person liveth, and that the Horning be registrate in the Thesaurers books or Sheriff books of Edinburgh. And sicklike, by the sixty fifth Act of the said Parliament, All Chamberlains and other Receivers of His Majesties Rents, as well heretale as moveable, are ordained to find caution to the Thesaurer in Edinburgh, for making compt at the ordinar time of Exchequer, and payment within twenty dayes after the terme. And also, by the eighty Act of the said Parliament, it is Ordained, that Letters be directed, charging the Sheriffs, under the pain of rebellion; with certification, &c. to find caution, Burgesses Indwellers in Edinburgh, that they shall yearly make their accompts in Exchequer, and pay all things resting owing to the King's Majesty, by vertue of their office. And sicklike, by the two hundred and thirty Act, Parliament fourteenth, anno, one thousand five hundred and ninety four; not only the foresaid Act is ratified and approven; but also, all Chamberlains, Fewers, Customers, Bailes of Burroughs, and Sheriffs, and others intromettors with the foresaids Rents, are ordained to find caution Burgesses of Edinburgh, for yearly compearing and making compt in Exchequer. And sicklike, by another Act, Parliament fifteen, Act two hundred and sixty two, for preventing of the prejudice that did then arise, through the not timeous payment of the foresaids Rents, payable out of the High-lands and Isles, the saids Fewers are Ordained to find caution to the Exchequer, for yearly and thankfull payment of the yearly Rents, Duties and Services due and payable forth of the Lands possest and occcupied by them, or any other in their names; wherein if they failed, their pretended Infeftments, and other Rights and Titles they have to any of their Lands, either property or superiority, are declared forfault and null. Which whole Acts of Parliament respectiuely above-mentioned, The Kings Majesty and Estates of Parliament, taking of new to their consideration; and finding no means could have been more probable and conduceable, for preventing of these prejudices and obstructions that have arisen to His Majesties Affairs, through the not timely payment of His Rents; and that the neglect of the exact putting of the saids Acts to execution, hath been the only fount in from whence these have sprung. Therefore, and for preventing of the same in the future, the King's Majesty, with advice and consent of the Estates of Parliament, doth revive, Renew, Ratifie and Approve the foresaids Acts, respectiely and particularly above-written, of the dates, tenors and contents thereof in all points, in so far as the same are or may be extended to the payment or securing of His Majesties Rents; and Ordains the same to have force, and be punctually obeyed and extended against all Chamberlains, Fewers, Sheriffs, Stewarts of Stewartries, Bailes of Regalities, Bailes of Burroughs, and others lyable in payment of any of His Majesties Rents, for finding caution in Exchequer to the Thesaurer principal and Thesaurer depute, who are hereby required to cause charge the foresaids persons, particularly above-mentioned, at the Mercat-cross of

of Edinburgh to compear before them, to the effect above written; with certification, not only under the pains contained in the respective Acts of Parliament; but also, in case of their disobedience, to denounce them Rebels at the said Mercat-cross of Edinburgh, and to be registrate in the Thesaurers or general Registers of Hornings: Which charge, denunciation and registration *respective*, the King's Majesty and Estates of Parliament Declares to be as sufficient, to all purposes and intents, as if the same charge were given to them personally at their dwelling houses, and the denunciation at the head Burgh of the Shire where they live, and the same registrate in the Sheriff Books thereof. And sicklike, His Majestie and Estates of Parliament taking to their consideration, that several of the saids Fewers, charged and denounced for not compearing, compting and paying of their saids Duties, do ly under the Process of Horning, apprehending themselves (from the distance of the place) secure, both as to their persons and goods, to the great contempt of His Majesties Royal Authority, slighting, contemning, and vilipending His Majesties Laws: And His Majesty and Estates of Parliament considering, by the nature, duty and office of each Sheriff, Stewart and Baillies of Regalities within their respective Jurisdictions, they as His Majesties Officers are oblieged, and by several Acts of Parliament, (*viz.* the 30<sup>th</sup> Act J. A. 4. Par. 3. Par. 6. Act 69, Act 97. J. A. 5. Par. 7. Act 74. Par 6. J. A. 6. Act 75. J. A. 6. Par. 6.) Ordained, to execute His Majesties Laws, and put Letters of Poinding and Caption to execution, take and apprehend the Rebels, uplift their estates and compt for the same to the Comptroller and Thesaurer, and to cause their Clerks give in the Registers of Hornings, and to uplift His Majesties retoured Duties, blench Duties, Taxations, and other Duties payable to His Majesty, as not only the saids Acts of Parliament, but also the several Rolls of Exchequer, bears; Whereby it appears, both by Law, and the nature and duty of their Office, that they ought to execute His Majesties Letters, and cause His Majesty be payed of His Rents by the persons lyable in payment thereof within their bounds, and that the contemners of His Majesties Authority be duly punished, and His Majesties Laws put to execution by them as His proper Officers. Therefore, the King's Majesty and Estates of Parliament Ordains, when any of the foresaids persons, for disobedience to the charges given to them for payment of the Mails, Farmes and Duties, as said is, are denounced rebels and put to the horn, Letters be directed to charge the Sheriff of the Shire and his Deputes, Stewart of the Stewartry, Baillie of the Regalitie *respective*, within those bounds where the saids persons dwells or lands lyes, to take and apprehend their persons and put them in warde, ay and while payment be made to the Thesaurer and Thesaurer-depute, or others appointed by them, and an *eque* retired thereof, or to poind and distrenzie the readiest goods and gece, and make sale off so much therof; and to cause His Majesties Thesaurer and Thesaurer-depute, and others appointed by them for that effect, to be compleatly payed of the said sum charged for, or to instruct sufficient and exact diligence for the same, within twenty one dayes next after they be charged: With certification, if they failze, the

said twenty one dayes being by-past, Letters shall be directed to charge them or their respective cautioners to make payment thereof themselves, under the pain of rebellion and putting of them to the horn; and if they failze to denounce them rebels, &c. in manner above-specified.

## XV.

*A CT concerning Beggars and Vagabonds.*

Ur Sovereign Lord, considering the many laudable Acts of Parliament, made by His Majesties Royal Predecessors for relief of the Poor, and for constraining of Beggars, Vagabounds and idle Persons to take themselves to lawfull Callings, that they might not be burdensome and dis-gracefull to the Kingdom: Especially the seventh Act of the sixth Parliament of His Majesties Royal Grand-father King James the sixth of happy memory; Ordaining the names of the Poor of ilk Paroch, and such as must be necessarily sustained by almes, to be taken up, and to tax and stint the persons within the Paroch, according to the estimation of their substance, without exception of persons, to such weekly charges and contributions as should be thought sufficient to sustain the said poor People: And the hundred and sixty eight Act of the fifteenth Parliament of King James the sixth, Ratifying the former Act, with this addition, That strong Beggars, with their Bairns, be employed in common Works, and that they shal continue servants therein during their life-times. And considering the tenth Act of the two and twentieth Parliament of His said Royal Grand-father King James the sixth, Recommending to all His good Subjects, to take into their service poor and indigent Children, declaring that they shall be subject to their said Masters, their Heirs and Assigines, in all kind of service that shall be enjoyned to them, untill they pass their age of thirty years compleat, and that they shall be Subject to their Masters correction and chastisement in all manner of punishment (life and torture excepted) and that if it shall happen the said persons to absent themselves from their Masters service without their licence, not only to be lyable to bodily punishment at their Masters discretion, but that all recepters of them shall be obliged to restore them to their Masters, within twenty four hours after they be required, otherwise, to pay to their said Masters, ten shillings Scots for ilk dayes absence till they be restored. And His Majesty considering, that the chief cause, whereby the foresaid Acts have proven in-effectual, and that Vagabounds and idle Persons do yet so much abound, hath been, that there were few or no common Works then erected in the Kingdom, who might take and employ the said idle Persons in their service; and that now, by His Majesties Princely care, common Works for Manufacturies of divers sorts, are setting up in this Kingdom; Therefore, His Majesty, with advice and consent of His Estates in Parliament, Ratifies and Approves the foresaid Acts of Parliament, with this addition, That it shall be leisum to all Persons or Societies, who have or shall set up any Manu-

factu-

factories within this Kingdom , to seize upon and apprehend the persons of any Vagabonds , who shall be found begging , or who being Masterless and out of service , have not wherewith to maintain themselves by their own means or work , and to employ them for their service as they shall see fit , the same being done with the advice of the respective Magistrates of the place where they shall be seized upon ; And Ordains the Paroches where such Vagabonds or idle Persons , as shall be found begging , were born ; or in case the place of their nativity be not known , the Paroches where they have any residence , haunt , or most resort , for the space of three years immediately preceding their being so apprehended , who thereby are relieved of the burden of them , to make payment to the Persons or Societies that shall happen to employ them , of two shillings *Scots money per asem* , for the first year after they be apprehended , and one shilling *Scots per diem* for the next three years thereafter ; the one half thereof to be payed by the Heretors of the severall Paroches *respective* , and the other half thereof to be payed by the Possessor and Inhabitants dwelling upon the ground of each Heretor *respective* . Likeas , His Majesty , with advice and consent foresaid , Ordains the Heretors of each Paroch , or as many of them as shall happen to meet , upon publick intimation , made at the Paroch-kirk upon any Sabbath at the dissolying of the Church from the first Sermon , by any of the Heretors of the Paroch or by the employers of the Poor , to make up a stent Roll for maintenance of the Poor in their Paroch , who shall be employed , as said is , at the rate aforesaid , the one half thereof to be payed by the Heretors , either conform to the old extent of their Lands within the Paroch , or conform to the valuation by which they last payed assessment ; or otherwayes , as the major part of the Heretors , so meeting , shall agree , Life-renters and Wod-setters alwayes being lyable , during their Rights as Heretors ; and the other half thereof to be laid upon the Tennents and Possessors , according to their means and substance . And in case the saids Heretors , being required by any Person or Society , employing the Poor as said is , shall failzie to make up and deliver a stent Roll in manner foresaid , with power to the Persons , Society or others intrusted by them , to charge the Heretors of each Paroch for the sum of two shillings *Scots per diem* , for each one of their Poor , whereof they shall be relieved in manner foresaid , conform to the old extent or valuation foresaid , at the option of the Person or Society employing , or these intrusted by them ; which stent Roll shall continue and stand for one year after the making up thereof , either by the Heretors , or in case of failzie , by the Persons or Societies employing the Poor , as said is , and shall then be renewed from year to year , during the years above-written . Providing also , that the Heretors , in case they failzie to make a stent Roll , as said is , and be charged conform to the old extent or valuation of their Lands , that they shall have relief of the Tennents and Possessors of their Lands , for the one half of what they shall be distressed for . And His Majesty , with consent foresaid , Ordains Letters of Horning to be directed hereupon , at the instance of the Persons or Societies employers of the Poor , or persons intrusted by them , against the Heretors and others for



## 22 *The third Session of the first Parliament*

for payment of the said daily allowance for the Poor, or against the receipts of them, being so employed, for ten shillings Scots money per diem, upon fifteen dayes only: Providing alwayes, that after examination of the case, the Lords of the Privy Council shall find cause for directing such Letters; And Ordains all Sheriffs, Stewarts, Baillies of Regality, Principalitie, Magistrates of Burroughs, or Justices of Peace and their Constables, to be assisting in the apprehending of the saids Vagabounds, or in the bringing of them back to their service, after they shall be employed: And strictly Prohibits and Discharges all persons whatsoever, to oppose or hinder the taking or bringing back of them in maner foresaid *respective*, under the pain of deforment. Likeas, it is hereby Declared, That the Poor so imployed shall continue in the service of the employers, and under their direction and correction, in maner foresaid, not only during the space of the maintenance to be payed for them by their Paroches, in maner above-written; but also for the space of seven years thereafter for meat and cloath only; Declaring alwayes, likeas it is hereby expressly Declared, that the Burgh of *Air* nor their inhabitants shall no wayes be comprehended herein, but are excepted herefrom in all points. And recommends to the Lords of the Privy Council, to see this Act and all former Acts of Parliament made against sturdy Beggars and Vagabonds, put to execution, with power to them to supply by their order what shall be deficient, as to the execution of the saids Acts.

## XVI.

### *A CT anent the measure of Coal.*

UR Sovereign Lord, considering, that several questions and debates do arise, betwixt the buyers of Coal, and the Customers and Receivers of the Bullion, anent the measure of the chalder, by which the Custom and Bullion imposed upon the Coal should be payed; Doth therefore, with advice and consent of His Estates of Parliament, Statute and Declare, That the rates of Custom and Bullion, imposed upon the Chalder of Coal, is and shall be understood of the *Culross-chalder*; and the saids rate exacted and paid according to that measure allanerly, notwithstanding of any former Custom to the contrary.

## XVII.

### *A CT anent the Foot-measure.*

HE Estates of Parliament considering, that notwithstanding by the ancient Laws of the Kingdom, the ell is designd to be thirty seven inches, yet many use inches by which the ell is divided into fourty two inches, and of these small inches, make the Foot-measure of a smaller proportion then it ought to be, to the great prejudice of the Lieges; and that the occasion of this liberty hath been, because, that hitherto there

bath no Standard been appointed for Foot-measures, as well as other measures. Therefore, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, hath from and after the first day of June next, one thousand six hundred sixty four, no Workman nor other person shall make use of any other Foot-measure, then such as consists of twelve of these inches whereof the ell contains thirty seven: And that this may be the better made practicable to the Lieges, Ordains an exact Standard-foot to be made by the Magistrates of Edinburgh, before the first of January, one thousand six hundred and sixty four, of Iron or Copper, and preserved by the City of Edinburgh for all time coming. And that all Burghs shall have a measure made according to it, and hung at their Tolbooth doors, or upon their Mercat-crosses, before the first of March, one thousand six hundred and sixty four; and any Burgh that shall fail in this, shall be lyable to the penalty of one hundred pounds Scots. And Ordains, That all Wrights, Glasiers, Masons, and all other sorts of publick Work men shall work by this Foot-measure allannerly, that the Lieges may not be abused by variety of measures. Providing alwayes, that this do infer no further privilege to the Burg of Edinburgh, in justing of the Standard to the Shires and Burghs within the Kingdom, then the keeping of the same; nor to any others that have Standards of the like nature.

### XVIII.

#### *ACT discharging Monday and Saturday Mercats in Royal Burghs.*



Ur Sovereign Lord considering, that there is much occasion given for profanation of the Lords-day, in the Royall Burghs, by keeping their weekly Mercats on Monday and Saturday, and that the same may be as conveniently kept on other dayes of the week; Doth therefore, with advice and consent of His Estates in Parliament, Inhibit and Discharge, all the Royal Burghs, from keeping any Mercats, in time coming, upon the Monday or Saturday, under the pain of one hundred Merks, to be payed by each of the Royal Burghs for every contravention *respective*: And allows them to change and keep their Mercats on other dayes of the week as they have done formerly, since the year, one thousand six hundred and fourty four, and that they make timeous intimation of the change to the next adjacent Burghs. It being alwayes Declared, that this Act is not to be extended against Fleschers in Royal Burghs, who may keep Mercat of Fleshes in their respective Burghs upon these dayes, this Act notwithstanding.

## XIX.

*ACT anent Lint-seed, Hemp-seed and Steel.*

The Estates of Parliament, taking to consideration, the manifold mistakes and differences that do and may arise, betwixt the Farmers of excise and Merchants, anent the exacting of Excise upon Lint-seed, Hemp-seed, and Steel, which seems to be occasioned because these Commodities are not particularly excepted in the Act of the Annuity, from payment of Excise: And being certainly informed, that the present Farmers of Excise and their Collectors, do require and exact duty of Hemp-seed, Lint-seed, and Steel, contrary to the meaning of the said Act of Annuity, and of the fourtieth Act of this present Parliament, made for encouragement of Manufacturies. Therefore, our Sovereign Lord, with advice and consent of His Estates of Parliament, Doth Declare, all Hemp-seed, Lint-seed and Steel, to be included in the generality of the proviso of the said Act of Annuity; as also of the said fourtieth Act, whereby all materials for Manufacturies are exempted from Excise.

## XX.

*ACT anent Manses and Glebs, and poinding for Ministers Stipends.*

Our Sovereign Lord, considering the great difficulties which often-times the Ministers of the Gospel do meet with, in the due payment of their Rents and Stipends; So that they are sometimes forced to use legal execution by poinding, and in so doing are necessitate to carry the Goods poinded, to be apprised at the Mercat-cross of the head Burgh of the Shire, Stewartry, Bailery or Regality, many miles distant from the place where the Goods are poinded, to the great prejudice of the party and of the Goods also. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, That it shall be sufficient to the Ministers foresaid, in poinding, apprising and distrenzying the Goods of the persons deficient in payment of their Rents and Stipend, to comprise the saids Goods, by honest sworn men, upon the ground of the Lands and place where the Goods are, which shall be as sufficient, as the same were done at the Mercat-crosses. And because, notwithstanding of divers Acts of Parliament made of before, divers Ministers are not yet sufficiently provided with Manses and Glebs, and others do not get their Manses free at their entry; Therefore, our Sovereign Lord, with advice foresaid, Statutes and Ordains, That where competent Manses are not already built, the Heretors of the Paroch at the sign of the Bishop of the Diocess, or such Ministers as he shall appoint,

point, with two or three of the most knowing and discreet men of the Paroch, build competent Manses to their Minister, the expences thereof not exceeding one thousand pounds, and not being beneath five hundred merks: And where competent Manses are already built, Ordains the Heretors of the Paroch to relieve the Minister and his Executors of all cost, charges and expences, for repairing of the foresaid Manses; Declaring hereby, that the manses being once built and repaired, and the building or repairing satisfied and payed by the Heretors in manner foresaid, the saids Manses shall thereafter be upholden by the incumbent Ministers during their possession, and by the Heretors in time of vacancy, out of the readiest of the vacant Stipend. In like manner Ordains, that every Minister have fewel, foggage, feal and devots, according to the Act of Parliament, made in anno, one thousand five hundred and ninety three. As also, that every Minister (except such Ministers of Royal Burroughs, who have not right to Glebs) have grass for one horse and two kine, over and above their Gleb, to be designed out of Kirk-lands, and with relief according to the former Acts of Parliament standing in force; And if there be no Kirk-lands lying near the Ministers Manse, out of which the grass for one horse and two kine may be designed, or otherwayes, if the saids Kirk-lands be arable Land, in either of these cases, Ordains the Heretors to pay to the Minister and his Successors yearly, the sum of twenty pouuds Scots, for the said grass for one horse and two kine, the Heretors alwayes being relieved according to the Law standing, and of other Heretors of Kirk-lands in the laid Paroch. And because several Kirks have no Glebs as yet designed to them, it is hereby specially provided, that in all designations of Glebs, Incorporat-acres, in Village or Town where the Heretor hath houses and gardens, the same shall not be designed, he alwayes giving other Lands nearest to the Kirk. And His Majesty, with advice foresaid, for special causes and considerations, Declares, that this present Act, as to the Manses, is to have force, as the same had been made and dated the fourteenth of March, one thousand six hundred and fourty nine.

## XXI.

### ACT anent Comprisings.



His Sovereign Lord, considering, that since the first day of January, one thousand six hundred and sixty two, before the making of the sixty two Act of the first Session of this Parliament, entitled, *An Act for ordering the payment of debts betwixt Creditor and Debtor*, divers persons, having right by posterious Comprisings to the legal reversion of the first Comprising deduced of their Debtors Estate, have, according to the Law then in force, redeemed or satisfied the first Comprising, and acquired the right thereof for their own better security, lest the legal reversion of the first Comprising should have expired to their prejudice. And whereas, by ane Clause of thereforesaid Act of Parliament

liament, it is Ordained, That all Comprisings, led since the said first day of January, one thousand six hundred and fifty two, within year and day of the first effectual Comprising, shall come in *pari passu* together, in maner, and upon the provisions, mentioned in the said Act: Which Clause, as it is most just as to all Comprisings led, and standing un-redeemed and un-satisfied by the subsequent Comprisers having right to the legal reversion: So it were unjust to prejudge those, who, for their own security, have redeemed or satisfied the first Comprising, as said is, according to the Law then standing. Therefore, His Ma-jesty, with advice and consent of the Estates of Parliament, Declares, That albeit the foresaid Act was made *ad preterita*, to regulate the diligencie used by Comprisings at the instance of the Creditors: Yet, it was no wayes their meaning to prejudge posterior Comprisers, who, *bona fide*, for their own security, and for preventing the hazard of the expiration of the legal reversion of the first Comprising, did redeem or satisfy the same; And therefore it is Statute and Ordained, That the saids second Comprisers shall no wayes be prejudged of the right of the foresaid first Comprising, redeemed and satisfied by them; Declaring nevertheless, that as to the second or posterior Comprising, standing in the parties person who satisfied the first, the same shall only come in with the rest of the Comprisers, *pari passu*, as it is pro-vided by the foresaid Act. As likewytes Declaring, That these pre-fents be no wayes extended to any Comprisings satisfied by the second Comprisers, since the making of the foresaid Act of Parliament, or to be satisfied in time coming.

## XXII I.

## ACT anent Sentences of Excommunication.

 His Sovereign Lord considering, that the proviso in the twenty fifth Act of the first Session of Parliament, entituled, *Act for denouncing of excommunicat persons*, anent the exhibiting the Process and Sentence of excomunica-tion before the Lords of Session, to the end they might consider the legality of the Process, and grounds whereupon the Sen-tence proceeded, before any Letters of denounciation should pass against excommunicat persons, was concluded before the restauration of the Bishoppes, and is prejudicial and derogatory to the jurisdiction of Ecclesiastical Authority as it is now established; Dote therefore, with advice and consent of His Estates of Parliament, Rescind the said proviso, and Declares the same to be void and null.

## XXIII.

## XXIII.

## ACT for additional provision in favours of the Universities.



Ur Sovereign Lord and the Estates of Parliament, taking into serious consideration, the condition of the several Universities of this Kingdom; And finding, that the present mean and incompetent provision of the Masters and Professors thereof, is so prejudicial to the flourishing of these Seminaries of Church and State, that unless some considerable Augmentation be settled upon them for their encouragement, the ablest and fittest persons of ingenious spirits and education, will shun and avoid the undertaking of Functions in Universities, for want of such ingenuous means as should invite, entertain, encourage and oblige men sufficient for such laborious imployments, to the great decay of Learning, and detriment of all ranks of Persons in the Kingdom: For preventing and remedying whereof, there being an expedient proposed, that the Archbishops and Bishops, and the rest of the inferior Clergy, may allow some part yearly of their rents, Benefices and Maintenance, for the space of five years to come, as an exemplary testimony of their piety and zeal, for the advancement of Learning and Religion. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Doth Statute and Ordain, That for the crofts and years, one thousand six hundred and sixty four, one thousand six hundred and sixty five, one thousand six hundred and sixty six, one thousand six hundred and sixty seven, one thousand six hundred and sixty eight, there be raised yearly, out of the Rents of ilk Archbishop and Bishop, the sum of fifty pounds for every thousand merks of the saids Revenues, and the sum of fourty pounds out of every thousand merks of the Stipends or Benefices of every Minister, and so proportionably six of the hundred as the Benefice of Stipend shall be valued to be more or less by the Bishops of the Diocesses; And that the saids several proportions, payable by the Bishops, shall be yearly given into the Archbishops of the respective Provinces, or such as shall have warrant from them, and that the saids several proportions, payable by Ministers, shall be yearly given in to the Bishops of the respective Diocess, or such as shall have warrant from them; and for whom the saids Bishops shall be countable: Which sums so to be raised, shall be distributed to the several Universities, according to those proportions which shall be assigned by His Majesty, by a Committee to sit at Edinburgh, consisting of the Archbishops of St. Andrews and Glasgow, and the Bishops of Edinburgh and Aberdeen, and four others, whereof one to be nominat by the Visitors of the Universitie of St. Andrews, and another by the Visitors of the Universitie of Glasgow, the third by the Visitors of Aberdeen, the fourth by the Council of Edinburgh; Hereby authorizing the Archbishop of St. Andrews, and in his absence the Archbishop of Glasgow, to preside in the said

## 28 The third Session of the first Parliament

said Committee, and to appoint their diets of meeting from time to time; and the Committee to take care, that the sums thus allotted, shall be put into a Stock and settled upon Land or otherwayes, by advice of the respective Bishops, who are Chancellors of the saids Universities; and Ordains the Annual-rent of the said Stock to be proportioned to the Masters and Professors of each Universitie, as the Visitors thereof shall appoint. And further, His Majesty and Estates foresaid, do Ordain, that Stipends and all Benefices of Kirks that shall vaik after the first day of February, in this following year of God, one thousand six hundred and sixty four, for the space of seven years next thereafter, shall be up-lifted by.

Collector thereof, and employed by him in the maner, and according to the proportions above-specified, for increasing of the Stock of each Universitie: Declaring, that the fifty two Act of the first Session of this Parliament, *Concerning the disposal of vacand Stipends*, shall be of no force during the space of the years foresaid, and Ordains Letters of Horning and Pounding, and all other execution necessary, to be directed at the instance of the saids Bishops, or any to be appointed by them; and at the instance of the said Collector, for the more speedy in-bringing of the sums respective above-mentioned. Further, His Majesty and the Estates of Parliament, do recommend to the Lords of the Privy Council, to entertain and promote any voluntary offer or contribution, for the ends aforesaid, to be made by Noble-men or Gentlemen, for a work so worthy of the publick wisdom, piety and honour of this Kingdom. It is alwayes Declared, that this Act shall be without prejudice of Acts past in this Parliament, for allowing the vacand Stipends of the Diocess of Isles and Argyll for breeding of young Schollars, the sum being regulate by the Committee above-named; and that this Act shall be no preparative for laying on any burdens on the Clergy hereafter, without their own consent.

## XXIV.

### ACT regulating the proportions of Excise in the several Shires and Burghs.

**H**e Estates of Parliament, taking to their consideration, the grievances represented to them by several Shires and Burghs, aenent the excessive proportions of Excise laid upon them by the late Act of Parliament, and what great burthen the Land-rent of the said Shires and Burghs lyes under, for making up the saids proportions, and the great ease which several other Shires have in their proportions; And it being just and reasonable, that all publick impositions of that nature, should be equally distributed upon those lyable in payment thereof. Therefore, the King's Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, that the several Shires and Burghs of this Kingdom, shall for the moneths of November and December next, one thousand six hundred and sixty three, and January one thousand

said six hundred and sixty four years, and in all time thereafter, be lyable in the monethly painment of the respective proportions underwritten, viz. The Shire of *Edinburgh* principal, in the sum of two thousand one hundred and fourty pounds *Scots* money; The Town of *Edinburgh*, in the sum of two thousand nine hundred thirty two pounds; The Shire of *Haddingtoun*, in the sum of one thousand two hundred fourscore and eleven pounds; The Shire of *Berwick*, in the sum of six hundred and ten pounds sixteen shillings; The Shire of *Roxburgh*, in the sum of seven hundred threescore twelve pounds sixteen shillings; The Shire of *Selkirk*, in the sum of one hundred fourty seven pounds ten shillings; The Shire of *Peebles*, in the sum of one hundred thirty seven pounds ten shillings; The Shire of *Lanercick*, in the sum of nine hundred threescore eight pounds eight shillings; The Town of *Glasgow*, in the sum of one thousand threescore sixteen pounds four shillings; The Shire of *Dumfries*, in the sum of six hundred fifty six pounds; The Shire of *Wigtoun & Kircudburgh*, in the sum of seven hundred thirtytwo pounds twelve shillings; whereof the Stewartry of *Kircudburgh* is to pay the sum of four hundred threescore one pounds, and the Shire of *Wigtoun* the sum of two hundred threescore eleven pounds twelve shillings; The Shire of *Ayr*, in the sum of one thousand six hundred thirtie nine pounds sixteen shillings; the Shire of *Dumbartoun*, in the sum of two hundred fifty four pounds; The Shire of *Bute*, in the sum of fifty seven pounds; The Shire of *Renfrew*, in the sum of four hundred fifty seven pounds four shillings; The Shire of *Stirling*, in the sum of nine hundred and threescore pounds eight shillings; The Shire of *Linlithgow*, in the sum of seven hundred fourescore nineteen pounds four shillings; The Shire of *Perth*, in the sum of two thousand three hundred threescore fourteen pounds sixteen shillings; The Shire of *Kincardin*, in the sum of three hundred threescore three pounds twelve shillings; the Shire of *Aberdeen*, in the sum two thousand four hundred and eighteen pounds nineteen shillings; The Shire of *Bamff*; in the sum of four hundred forty seven pounds three shillings; The Shire of *Innerness*, in the sum of seven hundred fourscore fourteen pounds eight shillings; The Shires of *Elgin* and *Nairn*, in the sum of five hundred fourscore sixteen pounds four shillings; The Shire of *Cromarty*, in the sum of twenty four pounds; The Shire of *Argyl*, in the sum of four hundred forty three pounds sixteen shillings; The Shire of *Fyfe* and *Kinrose*, in the sum of three thousand six hundred and eight pounds eight shillings; The Shire of *Forfar*, in the sum of one thousand twenty four pounds four shillings; The Town of *Dundee*, in the sum of seven hundred and eighteen pounds four shillings; The Shire of *Sutherland*, in the sum of threescore twelve pounds twelve shillings; The Shire of *Caithness*, in the sum of one hundred fifty three pounds four shillings; The Shire of *Orkney* and *Zetland*, in the sum of two hundred fourty three pounds sixteen shillings; The Shire of *Clackmannan*, in the sum of two hundred and six pounds two shillings; And the Shire of *Ross*, in the sum of two hundred and four pounds, money foresaid; Any thing in the said Act of Parliament to the contrary notwithstanding, which is hereby Declared to be of no force or effect, as to the proportions of the said Excise, after the said first day of November next.

30      *The thirde Session of the first Parliament*  
          *X XV.*

*An humble Tender to His Sacred Majesty, o  
f the duty and loyalty of His ancient Kingdom of  
Scotland.*



Orasmuch, as the Estates of Parliament, upon cor-  
sideration of the great blessings this Kingdom enjoyeth,  
under the protection of His Majesties Authority and  
the administrations of His Royal Government: be-  
ing thereby not only delivered from their former  
troubles, and all the evils which attend such usurpati-  
ons; but being fully restored to, and possest of, all the liberties and  
priviledges of a free people; Have, by their several addresses to His  
Sacred Majesty, made offer of their lives and fortunes, and all that is  
dearest to them for the advancement of His Royal Honour, Authority  
and Greatness. And this Kingdom being still more and more sensible  
of shis their happiness, by the often and renewed expressions of His  
Majesties grace and favour, and of His tenderness and care of their  
preservation, in the peaceable and secure enjoyment of their Religion,  
Laws, Liberties, and Properties; Do find themselves the more ob-  
liged to renew the expressions of their duty and loyalty to His Majesty.  
And therefore the Estates of Parliament, of this His Majesties ancient  
Kingdom of Scotland, do, in name and behalfe of all His Majesties  
good Subjects within the same, by these presents, renew the dutifull  
tender of their lives and fortunes, for the promoving of His Majesties  
Service and the advancement of His Royal Authority. And as they do  
chearfully recognosce His Majesties Royal Prerogative and undoubted  
Right, of the sole power of raising, arming and commanding of His  
Subjects; So in a futher acknowledgment of their duty, they do make  
humble and hearty offer to His Majestie, of twenty thousand Foot-  
men and two thousand Horse-men, sufficiently armed, and furnished  
with fourty dayes provision, to be raised from the several Shires of the  
Kingdom, according to the proportions following, viz. From the  
Shire of Roxburgh and Selkirk, one thousand three hundred thirty  
three Foot, and one hundred fourty eight Horse. From the Shire of  
Berwick, eight hundred Foot, and seventy four Horse. From the Shire  
of Edinburgh, eight hundred Foot, and seventy four Horse. From the  
Shire of Haddington, eight hundred Foot, and seventy four Horse.  
From the Shire of Peebles, two hundred sixty six Foot, and twenty nine  
Horse. From the Shire of Linlithgow, three hundred thirty three Foot,  
and fourty two Horse. From the Burgh of Edinburgh, Lieth and  
Canongate, eight hundred Foot. From the Shire of Dumfries,  
eight hundred Foot, and eighty eight Horse. From the Shire of  
Wigtown, eight hundred Foot, and eighty eight Horse. From the  
Shires of Ayr and Renfrew, one thousand three hundred thirty three  
Foot, and one hundred seventy six Horse. From the Shire  
of

hundred fourty eight Horse. From the Shires of *Stirling* and *Clackmannan*, six hundred sixty six Foot, and eighty eight Horse. From the Shires of *Fyfe* and *Kinross*, one thousand six hundred Foot, and one hundred seventy six Horse. From the Shire of *Perth*, one thousand six hundred Foot, and one hundred seventy six Horse. From the Shire of *Forfar*, one thousand Foot, and one hundred and three Horse. From the Shire of *Kincardin* and *Marshalls* part of *Aberdeen*, eight hundred Foot, and seventy four Horse. From the rest of *Aberdeen* and Shire of *Bamff*, one thousand sixty six Foot, and one hundred seventy six Horse. From the Shires of *Elgin*, *Nairn*, and this side of *Ness*, one thousand Foot, and eighty eight Horse. From the Earl of *Seaforth* and Lord *Lovat*, their division of *Innerness*, six hundred sixty six Foot, and eighty eight Horse. From the Shires of *Sutherland* and *Caithness*, and the rest of *Innerness*, one thousand sixty six Foot, and eighty eight Horse. From the Shires of *Argyll*, *Dumbarton* and *Bute*, eight hundred Foot. From the Shire of *Orkney*, six hundred sixty six Foot. Which Forces are to be in readiness, as they shall be called for by His Majesty, to march to to any part of His Dominions of *Scotland*, *England* or *Ireland*, for suppressing of any foreign invasion, intestine trouble or insurrection, or for any other service, wherein His Majesties Honour, Authority or Greatness may be concerned. And for the better prosecution hereof, the Estates of Parliament do humbly intreat, His Majesty may be graciously pleased to give Commissions to such persons to be general Officers, Colonels, Lieutenant-colonels, Majors and Rute-masters, as His Majesty, in His Royal judgement, shall think fit, and for the other Officers, or any other thing fitting to be done for perfecting of the Levies and carrying on of this busyness, they do humbly recommend to His Majesty, to give His direction therin to His Privy Council, who are hereby impowered with Commission and Authority, for the ordering, disposing and sole managing of this Affair, in such a way, as this dutifull offer of the Parliament to His Majesty may be made most effectual, and according to the instructions and commands they shall receive from His Majesty. And the Estates of Parliament do Declare, that if His Majesty shall have further use of their service, this Kingdom will be ready, every man betwixt sixty and sixteen, to joyn and hazard their lives and fortunes, as they shall be called for by His Majesty, for the safety and preseryation of His sacred Person, Authority and Government.

32 The third Session of the first Parliament.  
XXVI.

*ACT asserting His Majesties Prerogative in  
the ordering and disposal of Trade with forraigners.*



The Estates of Parliament considering, that during the late troubles, divers invasions were made upon the Royal Prerogatives of the Crown; and that in a just abhorrence thereof, and in a due sense of the happiness they enjoy under His Majesties Government, they are oblieged on all occasions to vindicat and assert the same, in the several branches thereof:

And since the ordering and disposal of Trade with forraign Countries, and the laying of restraints and impositions upon forraign imported Merchandizes, is, by the Law of Nations, acknowledged to be proper to, and inherent in, the persons of all free Princes, as an undoubted Prerogative of the Crown. They therefore, in a dutiful and humble recognition of His Majesties Prerogative-royal, do Declare, That the ordering and disposal of Trade with forraign Nations, and the laying of restraints and impositions upon forraign imported Commodities, doth belong to His Majesty and His Successors, as an undoubted Priviledge and Prerogative of the Crown, and that by vertue thereof, they may lay such impositions and restraints upon imported forraign Commodities, and so order and dispose upon the Trade of them as they shal judge fit for the good of the Kingdom. Likeas, the King's Majesty, with advice and consent of His Estates in Parliament, doth hereby rescind and Annull all Acts, Statutes, Constitutions and Customs to the contrary; and Declares the same void and null in all time coming.

XXVII.

*COMMISSION for Plantation of Kirks and va-  
luation of Teinds.*



The King's most Excellent Majesty, being desirous to prosecute the work of valuation of Teinds and plantation of Kirks, in reference to His own interest for the annuity, and the universal good of His people, especially for the incouragement of the Ministers of the Gospel; Doth, with advice and consent of His Estates of Parliament, Ratifie and Approve the nineteenth

Act of the Parliament, holden at Edinburgh by His Royal Father of blessed memory, in anno, one thousand six hundred and thirty three, (entituled, *Commission for valuation of Teinds,*) in the whole heads clauses and conditions thereof, except in so far as there hath been alterations made therein, by Acts and Commissions made and granted

ted by his Majesty since the date of the said Act ; or granted by any pretended Parliaments since , and which are Ratified , Salved or Reserved by this present Parliament ; and which alterations are not destructive of, and contrary to, this present Act , or any clause thereof. And sicklike, Ratifies and Approves the sixty one Act of the first Session of this present Parliament , entituled , *Commission for plantation of Kirks , &c.* in the whole Heads , Articles and Clauses thereof , except in so far as the same may be contrary to this present Act , as said is. And His Majesty , with advice and consent foresaid , gives full power and commission to *James Archbishop of St. Andrews* ; *William Earl of Glencairn* , Chancellor ; *John Earl of Rothes* , Thesaurer ; *Alexander Archbi-*  
*shop of Glasgow* ; *William Earl Marshal* , Privy-seal ; *Duke of Ham-*  
*ilton* ; *Marquess of Montrose* ; *Earl of Lauderdale* , Secretary ; *Earl*  
*of Eglinton* ; *Earl of Linlithgow* ; *Earl of Kelly* ; *Earl of Haddington* ;  
*Earl of Annandail* ; *Earl of Lettoun* ; *Earl of Tweedail* ; *George Bi-*  
*shop of Edinburgh* ; *James Bishop of Galloway* ; *George Bishop of*  
*Dunkell* : *Bishop of Aberdeen* : *John Bishop of Ross* , Re-  
*bert Bishop of Dumblane* ; *Bishop of Orkney* , *William Lord*  
*Bellenden* , Thesaurer-depute ; *Sir John Gilmore* , President of the  
Session ; *Sir Archibald Primeroise* , Clerk Register ; His Majesties  
Advocat ; *Sir John Home of Renton* ; Justice Clerk ; *Sir James*  
*Lockhart of Lee* ; *Sir John Scougal of Whitekirk* ; *Charles Maitland*  
*of Halton* ; *Sir Thomas Hamilton of Preston* ; *Sir John Wauchop of*  
*Nidrie* ; *Sir Robert Fletcher of Salton* ; *Sir Henry Wardlaw of Pit-*  
*reugh* ; *William Scot of Ardross* ; *Sir Andrew Ramsay* , Provost of *Edin-*  
*burgh* ; *Sir Robert Murray there* ; *Sir Archibald Sydserf* ; *Sir Alexander*  
*Wedderburn* ; *Sir William Thomson* ; *John Milne* ; *Robert Lenthall* ,  
Provost of *St. Andrews* ; *Mr. John Paterson* , Provost of *Ruth-*  
*william Seaton* , Provost of *Haddingtoun* ; or any fifteen of them ;  
whereof three of the Clergy , three of the Nobility , three Officers  
of State , three Commissioners of Shires , and three of Burghs of  
which number , the Archbishop of *St. Andrews* , or the Chancellors  
or the Thesaurer , or the Archbishop of *Glasgow* , or the Privy-Seal ,  
or the Secretary , or the Duke of *Hamilton* , or the Earl of *Haddington* ,  
or any of them , being alwayes one , to meet and conveen at *Edin-*  
*burgh* , the      day of      one thousand six hundred and six-  
ty      years ; and at such other place or places , times and diets  
as they shall appoint , to value , and cause be valued , whatsoever  
Teinds great or small , Personage or Vicarage , of whatsoever Lands  
within this Kingdom , lyable to the payment of Teinds , which  
are yet un-valued ; Excepting alwayes the Teithes of the Arch-  
bishops , Bishops , and other beneficed persons , whereof they  
were in real and actual possession , by leading and collecting  
the same ; in the year , one thousand six hundred and twenty eight ,  
and with provision , that they be not prejudged of the Fruits  
and Rents of their several Benefices , as the same was possesst by them ,  
anno , one thousand six hundred and thirty seven , conform to the  
Submission made by the Bishops to His Majesty in the said year , and

34 The third Session of the first Parliament

Decree arbitral following thereupon : With power to the saids Commissioners, or *quorum* foresaid, to appoint Sub-commissioners, conform to the former Acts and Commissions for valuation of Teinds, and receive reports from them. And with power to them, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Stipends, out of the Teinds within the Paroch where they serve the Cure, to modifie, settle and appoint constant local Stipends to ilk Minister, out of the Teinds of the Paroch where they serve the Cure, in so far as the same will amount to, according to the quantities of victual or money mentioned in the saids Acts and Commissions, and to decide and proportion the saids Localities. And with power to dis-joyn too large and spacious Paroches, to cause erect and build new Churches, to dismember and annex Kirks, as they shal think just; and to take order, that every Heretor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rates prescribed by former Commissions; Particulary, by the Commission granted by His Majesty, with consent of the Estates of Parliament, in *anno*, one thousand six hundred and thirty three, with power to them to determine all questions concerning the prices of Teinds, betwixt Titulars and others having right thereto, and the Heretors; and to appoint such securities, in favours of the Titulars and others having right to the Teind, for the prices to be granted by the Heretors, payers of the valued duties, or buyers of the saids Teinds; and in favours of the Ministers, as to their maintenance, as the saids Commissioners shall think fitting, according to the rule set down in the saids former Acts, namely in the said Act, *anno*, one thousand six hundred and thirty three. Declaring, That where the Vicarage of any Paroch is a several Benefice and Title from the Personage, the same shall be severally valued : to the effect, the Titulars or Ministers serving the Cure, having right to the said Vicarage, be not frustrat of the true worth thereof; And that Titulars, and others having right to Teinds, shall not be forced to dispone any Teinds, valued or to be valued, which shall be assigned, disponed and allocat to the Minister serving the Cure of the Paroch. As also, with power to the saids Commissioners or *quorum* foresaid, to rectifie whatsoever Valuations, led or to be led to the enorm prejudice of the Titulars, and to the hurt and detriment of the Kirk, and prejudice of the Ministers maintenance and provisions, or of His Majesties Annuity. Provided always, likeas it is hereby expressly provided, that where Valuations are lawfully led, against all parties having interest, and allowed by former Commissions, the same shall not be drawn in question, nor rectified upon the pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Advocat, in respect of His Majesties Annuity, except it be proven, that collusion was used betwixt the Titulars and Heretors, or betwixt the Proctor-fiscal and Heretors and Titulars, which collusion is declared to be, where the Valuations are led with the diminution of the third of the just Rent, which diminution shall be proven by the parties oaths. And albeit all the

Acts

of King C H A R L E S the II: 35

Acts of the pretended Parliaments , in the years, one thousand six hundred and fourty , one thousand six hundred and fourty one and thereafter , are declared , by an Act of this Parliament , null and of no avail in all time coming : Yet, it is hereby Declared , That all and whatsoever Valuations , Acts, Sentences and Decrees, done and past by any Commissions granted by the saids pretended Parliaments, with all executions used or to be used thereupon , are and shall be as valide in all time coming , as if the saids Valuations, Acts, Sentences and Decrees , had been given and pronounced by persons legally im- powered to that effect , any thing in the foresaid tescissory Act to the contrary notwithstanding ; Excepting such Decrees of valuation, modification of Stipends, or augmentations thereof , past and granted since the year, one thousand six hundred and thirty seven, whereby the saids Archbishops or Bishops are prejudged of any part of their Rents, whereof they were in possession in the said year thirty seven. And al- though, by a special Act of this present Parliament, the pretended Parlia- ment, holden in *anno*, one thousand six hundred and fourty nine, and in the beginning of the year, one thousand six hundred and fifty, is, from the beginning , Declared void and null , and all that had followed thereupon , Yet nevertheless , His *Majesty* doth , with advice fore- said , authorize all Valuations , Acts , Decrees and Sentences, led, deduced and pronounced by the Commissions one or moe, appoin- ted by the said pretended Parliament , for plantation of Kirks and valuation of Teinds , and all execution competent thereupon , Ex- cepting such Decrees and Sentences , given in favours of Ministers for their Stipends , or for dividing, uniting, annexing or building of Kirks , which shall be found to have been unjustly or exorbitantly de- cerned: The determination whereof is hereby referred by His *Ma- jesty* , with consent foresaid , to the saids Commissioners , that they, after hearing of parties and consideration of particulars , may take such course, for altering, annulling, or allowing of the saids Acts, Decrees and Sentences, as they shall think fitting, conform to the Laws, Practick and Custom observed preceeding the year , one thousand six hundred and fourty nine , And Ordains Processes , upon supplications, to be summarily granted , parties always being cited , and that , without any reduction. And it shall be lawful to the saids Commissioners, or *quorum* foresaid, to proceed in all Summons and Actions to be inten- ded for that effect , within the space of two years after the first down- sitting of the Commission. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the service, through death, sickness, or other known impediment : Therefore , His *Maj- esty* Declares , that He shall be carefull to fill their places with other persons qualified, whose oaths for faithfull discharge of the same shall be taken by the Lord Chancellor, or in his absence, by the President of the said Commission for the time : And Ordains this present Commission to endure ay and while the same be discharged by His *Majesty*; and the Acts, Decrees and Sentences thereof , to have the force, strength and effect of a Decree and Sentence of Parliament, and the Lords' of Session to grant and direct Letters of Horning , Poinding

### 36 The third Session of the first Parliament

ding and others requisit, in manner contained in the foresaid Commissions. And considering, that it was the will and pleasure of His Majesties Royal Father, that all Heretors, who should be willing to buy, should have their own Teinds at reasonable rates; Therefore, His Majesty, with advice foresaid, Statutes and Ordains, That all Heretors, whose Teinds are not valued, (excepting as is formerly excepted in this Commission) shall have liberty to value and buy the same, at such rates as is contained in the Acts of Parliament, one thousand six hundred and thirty three. With power to the saids Commissioners, to augment the saids rates according to the burden of augmentation, and others sustained by the Titulars since the saids Acts; and the saids Heretors to have the liberty of buying as said is, within the space of three years after the valuation. With this Declaration always; That in case the impediment, during the time foresaid, flow from the Titular, by reason of his minority or other inability, in that case, the Heretor who offers himself ready to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, notwithstanding of the expiring of the years and space above-exprest. And it is Declared, that if the Heretor be Minor, and his Tutors neglect the buying of his Teind within the foresaid space, the Minor shall have action for two years after his minority, to compell the Titular for selling of his saids Teinds; And His Majesty, with consent foresaid, hereby discharges all former Commissions, Declaring the same to be expired.

### XXVIII. ACT anent penal Statutes.

**I**He King's most Excellent Majesty, having, out of His grace and goodness to His Subjects granted an full and free Act of Indempnity, Pardon and Oblivion, for all crimes and offences committed by them, relating to the late troubles, and more fully exprest in the tenth Act of the second Session of this Parliament. And considering, that besides these, there be divers arbitrary and pecunial pains adjected to penal Statutes, which being strictly exacted, would prove an heavy burden to the Subjects who may be lyable thereto. And His Majesty, being desirous, now at the close of this His first Parliament, that all His good Subjects may find the effects of His mercy, as to exceed all former presents, so to be beyond their own expectation; Hath therefore thought fit, with the advice and consent of His Estates of Parliament, by these presents, to Discharge, Pardon and Remitallion, remission of any penal Statutes, for all deeds heretofore done by them

them, contrary to the tenor thereof : Excepting the Statutes concerning the unlawfull taking of Usury , transporting of Silver and Gold , slaying of red and black Fish , and all Acts and Statutes past in this present Parliament , which are no wayes discharged by this present Act.

## XXIX.

*ACT Salvo jure cujuslibet.*

Ur Soveraign Lord and Estates of Parliament , con-  
sidering , that in this last Session of this present Par-  
liament , many particular Acts and Ratifications  
have been past, wherein divers Clauses may be in-  
serted , prejudicial to the rights and interests of se-  
veral persons, albeit it hath always been His Majesties  
purpose and meaning , and the purpose and meaning of the Estates of  
Parliament , in this , as in all preceeding Parliaments , That all par-  
ticular Acts and Ratifications , general or special , howsoever con-  
ceived ( where persons concerned have not been h. aro for their Interest  
before the passing thereof ) should not prejudge private Rights of  
parties. Therefore , His Majesty , with advice and consent of the  
Estates of Parliament , Statutes and Ordains, That all praticular Acts  
and Ratifications whatsoever, past in this last Session of this present  
Parliament , shall be interpreted *Salvo jure cujuslibet:* Excepting  
always , an Act and Ratification past in this Session of Parliament,  
in favours of the Duke and Dutches of Buccleuch , of their Con-  
tract of Marriage , which is Declared by His Majesty and Estates of  
Parliament , no wayes to be comprehended herein.

*Extracted from the Records of Parliament , by me Sir ARCHIBALD  
PRIMEROSE of Chester , Knight and Barronet , Clerk of His  
Majestys Council , Registers and Rolls.*

*A. Primerose, Cls. Reg.*

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This Table of printed acts belongs to the third & last  
Session of R. Charles 2. first Parlt. Holden by E. Rothes  
from 10 June to 9 October 1663. when dissolved.

# THE TABLE OF ACTS.

## A TABLE of the printed ACTS.

	Page
1. <b>A</b> ct against separation and disobe- dience to Ecclesiastical Autho- rity.	3
2. Additional Act concerning the Declaration to be signed by all persons in publick Trust.	6
3. Act against Protections.	7
4. Act for the establishment and constitution of a National Synod.	8
5. Act anent ruinous houses in Royal Burghs.	9
6. Act discharging the importation of Strong- waters, &c.	10
7. Act discharging the mixing of Tin with Lead.	11
8. Act anent the discharging of Advocations for sums within two hundred merks.	ibid.
9. Act in favour of Minors, anent the duties of the Lands comprised from them.	12
10. Act against exportation of money forth of the Kingdom.	ibid.
11. Act for encouragement of Tillage and Pasturage.	15
12. Act for a new Imposition upon English Com- modities.	ibid.
13. Act imposing a Custom upon Corn imported from Ireland into this Kingdom.	17
14. Act for in-bringing of His Majesties Rents.	ibid.
15. A	

A Table of the Printed Acts.

- |     |  |       |
|-----|--|-------|
| 15. | <i>Act concerning Beggars and Vagabonds.</i>   | 20    |
| 16. | <i>Act anent the measure of Coal.</i>  | 22    |
| 17. | <i>Act anent the Foot-measure.</i>   | ibid. |
| 18. | <i>Act discharging Munday and Saturday Markets in Royal Burghs.</i>  | 23    |
| 19. | <i>Act anent Lint-seed, Hemp-seed and Steel.</i>   | 24    |
| 20. | <i>Act anent Manses and Glebs, and poinding for Ministers Stipend.</i>                                     | ibid. |
| 21. | <i>Act anent Comprisings.</i>  | 25    |
| 22. | <i>Act anent sentences of Excommunication.</i>   | 26    |
| 23. | <i>Act for additional provision in favours of the Universities.</i>  | 27    |
| 24. | <i>Act regulating the proportions of Excise in the several Shires and Burghs.</i>                          | 28    |
| 25. | <i>An humble Tender to His Sacred Majesty, of the duty and loyalty of His ancient Kingdom of Scotland.</i> | 30    |
| 26. | <i>Act asserting His Majesties Prerogative, in the ordering and disposal of Trade with foreigners.</i>     | 32    |
| 27. | <i>Commission for plantation of Kirks and valuation of Teinds.</i>   | ibid. |
| 28. | <i>Act anent penal Statutes.</i>   | 36    |
| 29. | <i>Act Salvo jure cuiuslibet.</i>  |       |

1. The Kinge by his Majestie, belonging to the Session  
2. Sessione of K. Charles 2. fifth Parliament with full power  
3. given 3. Jan: 1661 & M. 9. Oct: 1663.

## At Table of the special Acts and Ratifications, past in the several Sessions of this Parliament, which are not printed.

### FIRST SESSION.

- Protestations by some Noble-men, Commissioners from  
Shires and Burghs, concerning their precedencies in  
the Rolls of Parliament.  
An Act discharging Sir Archibald Johnston of all pub-  
lick Trust.  
Act concerning the Burial of the Corps of the late Marques of  
Montrose and Laird of Dalgety.  
Commissions for the Lords of the Articles and Bills.  
Exoneration to Mr. John Polkinghorne, concerning the Registers.  
Record of the production of the Patents granted by His Majesty to  
His Officers of State, and their Admissions.  
Record of the production of some Patents of Honour.  
Decree Earl of Dalhousie and others, against Mr. Robert Hodge.  
Act in favours of the Laird of Mackclean.  
Pecognition in favours of the Master of Bamff.  
Commission to Mr. John Wilkie, to collect the vacand Stipends.  
Act rescinding the pretended forfeiture of the Marq; of Montrose.  
Act allowing Magistrates to execute Summons of Treason.  
Exoneration in favours of the Earl of Crawford and Lindsay,  
Act concerning the Magistrates of Kirkwall.  
An Act for an Imposition at the Bridge of Musselburgh.  
Commission for visiting the University of Aberdeen.  
Act about the election of the Magistrates of Monroes.  
Decree Archibald Lamont contra Campbell.  
Act for an Imposition at the Caleses of Cowie-mounth.  
Reference Mackenzie contra Mackpherson.  
Decree Earl of Perth contra Sir George Mouat.  
Act in favours of some Ministers for their Stipend.  
Acts in favours of Col. Weymes, Col. Lesly and James Scot.  
Letter and Act in favours of the Laird of Renton.  
Act for a Bridge at Ramal-well craig on Clyd.  
Act in favours of the Town of Wigton concerning a Bridge.  
Decree Lockhart contra Bonar.  
Decree Mackenzie of Redcastle, contra Gilbert Ker and others.  
Decree Elizabeth Dutchy contra Henrie Dennistoun.  
Act anent the Custom and Price of imported Tobacco-pipes.  
Decree Carnaigie contra Carnaigie.  
Ratification to the Earl Marshal of the Sheriff-ship of Aberdeen.

Pro-

## A Table of the un-printed Acts.

- Protestation by the Earl of *Aberdeenshire*, in name of the Marquess of *Hawley*, against the same.
- Ratification in favours of Mr. *Adam Cunningham of Woodhall*, of the Commissariot of *Drumfries*.
- Ratification in favours of the new Colledge of *Aberdeen*.
- Protestation by the Town of *Aberdeen* against it.
- Ratification in favours of Sir *John Urquhart of Cromarty*.
- Rat. to Mr. *Henry Hay*, of the Commissariotship of *Edinburgh*.
- Ratification to *John Ramsay* of his Office from the Lord Register.
- Ratification in favours of the Burgh of *Elgin*.
- Ratification in favours of *Thomas Manson*.
- Ratification of the erection of the Kirk of *Kinkell*.
- Rat. to Mr. *Thomas Young*, of the Commissariotship of *Lauder*.
- Rat. of the erection of the Town of *Findon* in a Burgh of Barony.
- Protestation Town of *Ferres* against it.
- Ratification in favours of *Wat.*
- Rat. to Mr. *James Nicholson* of the Commissariot of *Brechin*.
- Ratification to *John Newell*.
- Ratification in favours of *Harie Blaickwood*.
- Ratification to *Alexander Munro* of the Commissariot of *Stirling*.
- Act concerning the Town of *Kirkwall*.
- Rat. to the Town of *Edinburgh* of the regality of the *Cannongate*.
- Rat. to the Town of *Edinburgh* of the mark upon the *Tun*.
- Rat. Town of *Edinb.* of the Land called *The King's work at Leith*.
- Rat. Town of *Edinb.* of the Customs at the house of the *Mare*.
- Rat. of the Town of *Edinburgh's new Charter of Confirmation*.
- Act in favours of Mr. *James Daes*.
- Commission for tryal of the burning of the Gates of *Drumlanrig*.
- Act concerning the Earl of *Perth* and Lord *Drummonds* losses.
- Act concerning Sir *Thomas Hamilton of Prestoun* his Writs.
- Act rescinding the pretended forfeiture of the Marquess of *Hawley*.
- Act rescinding the pretended forfeiture of *Mackdonald of Largy*.
- Act rescinding the pretended forfeiture of Sir *John Gordoun of Haddo*.
- Act for a contribution for repairing the Harbour of *Peterhead*.
- Act in favours of the Town of *Dunce*.
- Act in favours of George *Campbell*.
- Modifications to suffering Ministers out of the vacand Stipends.
- Ratification in favours of the Earl of *Mar*.
- Ratification in favours of the Town of *Nairn*, and Protestation by the Laird of *Cadder* against it.
- Ratification in favours of the Earl of *Panmure*, and Protestation by the Burgh of *Arbroath* against it.
- Ratification in favours of the Burgh of *Inverness*, and Protestation for *Redcastle and Dunoon* and the Burghs of *Forscote*, *Cromarty* and *Dingwall* against it.
- Ratification in favours of the Earl of *Linlithgow*.
- Ratification to the Earl of *Cathcart*.
- Ratification to the Town of *Musselburgh*.
- Ratification in favours of Robert *Thomson*, and Protestation by the Earl of *Athol* against it.
- Ratification in favours of Mr. *Archibald Murray*.

## A Table of the un-printed Acts.

- Ratification in favours of Mr. John Finlay.  
Ratification in favours of the Burgh of Wigtoun.  
Act for a weekly Mercat and two Fairs yearly in Bauden.  
Ratification in favours of the Royal Burroughs.  
Ratification in favours of the Earl of Weymes.  
Ratification in favours of the Burgh of Kirkcaldy.  
Commissions for trying some persons suspected of witch-craft.  
His Majesties nomination of the Lords of Sess. and their Admission.  
Act for the sitting and diets of the Session.  
The Lord Registers nomination of the Clerks to the Session, to the registration of Seafings and admission of Notars, and their admission, conform to their Gifts from the Lord Register.  
Act establishing the Sheriffdom of Ross and the bounds of it.  
Commissions for the Fishings on the waters of Ugie and Itham.  
Act to James Weymes for a new invention of Milnes, &c.  
Act in favours of the Earl of Lauderdale, anent the Lordship and Regality of Musselburgh and superiority thereof.  
Protestation by the Lord Colintoun, that the said Act should not prejudice him of his Right to the Teind of the Paroch of Hales.  
Act in favours of the Earl of Lauderdale.  
Act in favours of the Earl of Lauderdale, concerning the Writs and Securities of his Lands.  
Act concerning the Earl of Cassils.  
Act anent the Lights on the May.  
Act rescinding the pretended forfeiture of the Laird of Glengairn.  
Act rescinding the pretended forfeiture of Mackclean of Lochbouy.  
Act rescinding the pretended forfeiture of Mackclean of Kingerloch.  
Decree Earl of Southesk and Lord Burghly, against the Shire of Fife.  
Decree Marquess of Montross against the Marquess of Argyl.  
Decree Laird of Dury, contra Duke of Hamilton.  
Act in favours of the Burgh of Aberdeen.  
Act for two Fairs and a weekly Mercat in Strathaven.  
Act in favours of Patrick Dunbar.  
Act in favours of the Laird of Edgerstoun.  
Act for three Fairs to the Town of Lesly.  
Act for a weekly Mercat and two Fairs in the Town of Tullib.  
Act for a yearly Fair in Aldeir.  
Decree Pluscarden contra Mackpherson and others.  
Act in favours of the Clan-Gregor.  
Decree E. Roxburgh con. E. Lothian, anent the Title of Lord Ker.  
Decree Earl of Airly against Mackenzie and others.  
Act for repairing the Bridge of Sanchar.  
Act for two Fairs and a weekly Mercat in Hamilton.  
Act rescinding the pretended forfeiture of David Graham of Gorsby.  
Act in favours of Doctor Gleg.  
Record of the losses of some Noble-men for their loyalty.  
Act for ordering the precedence of the Officers of State.  
Decree of forfeiture against Sir Archibald Johnston.  
Act rescinding the pretended forfeiture of the Lord Herries.  
Ratification in favours of the Earl of Roxburgh.  
Ratification in favour of the University of St. Andrews. — Rat.

## A Table of the un-printed ACTS.

- Ratification in favours of the Burgh of *Lauder*.  
Ratification in favours of Major *Ramsay*.  
Ratification in favours of the Laird of *Haining*.  
Ratification in favours of John *Stirling* of *Ochter-field*.  
Ratification in favours of the Earl of *Leiven*.  
Ratification in favours of John *Campbel* of *Ardchattan*.  
Ratification in favours of the Burgh of *Linlithgow*.  
Ratification in favours of the old Town of *Aberdeen*.  
Rat. of the mortification of a Hospital in the Parish of *Largo*.  
Ratification in favours of the Laird of *Monymusk*.  
Protestation by the Earl of *Abbots*, in name of the Marquess of *Huntly*, against it.  
Ratification in favours of the Burgh of *Dumbartoun*.  
Protestation of the Town of *Glasgow* against it.  
Ratification in favours of the Town of *Glasgow*.  
Protestation by the Duke of *Lennox* and *Hamilton*, and the Burghs of *Dumbartoun* and *Renfrew*, against it.  
Ratification in favours of the Burgh of *Forsterose*, and Protestation by the Town of *Innerness* against it.  
Ratification in favours of the Officers of the Mint.  
Protestation for the Burgh of *Edinburgh* against it.  
Act for coyning of Copper-money.  
Act for providing a Stock to the Mint-house.  
Decrets of forfeiture against *William Dundas* of *Magdallans*, and *John Hume* of *Kello*.  
Act anent the redemption of Infeftments of Fee granted under reversion.  
Act rescinding the pretended forfeiture of Sir Robert *Spoeswood*.  
Act rescinding all Decrets of forfeiture against *Archibald* and *Mack-gilesrik Mackdonal* of *Colinsay*.  
Act rescinding the forfeiture of *Archibald Mackdonald* of *Sands*.  
Protestation by the Creditors of the Marquess of *Argyl*, that they be not prejudged by any Sentence to be given against him.  
Decret and Sentence of forfeiture against the Marquess of *Argyl*.  
Decret and Sentence of forfeiture against Mr. *James Guthry*.  
Decret and Sentence of forfeiture against *William Govan*.  
Decret L. *Cochran*, against the Executors of the Earl of *Buccleuch*.  
Act for two Fairs to the Burgh of *Ruthglen*.  
Act for Imposition for upholding a Bridge on the Water of *Fleet*.  
Acts concerning the Town of *Edinburgh* and their Annuity out of the House-mails, and the Imposition granted to them of two pence upon the pint of Ale, &c.  
Decret Duke of *Hamilton* contra *Ardkinglass*.  
Commission for a Council of Trade.  
Decret in favours of the E. of *Callander* against the E. of *Leiven*.  
Act for changing an High-way at *Abborshall*.  
Act in favours of *William Purvess*.  
Decret Sir *William Baily* of *Lamingtoun* contra Mrs. *Whalley*.  
Act for the ordinary allowance of the Clerk Registers Subscription.  
Ratification in favours of the Marquess of *Montrose*.  
Act ratifying the union of the Parishes of *Logy-montrose* and *Perth*.  
Act anent slayings of Fish in forbidden time.  
Act in favours of the Earl *Cassils*, Earl *Lothian*, *Brody*, &c.

## A Table of the un-printed Acts:

Commission concerning the Annuel-rents due by persons forfeited by the Usurpers.

Decree in favours of Mackintosh against Lockyer.

Decree Murdoch Macklean against John Mackellar, &c.

Protestations by the Earl of Arrol, Earl Crawford and Lindsay, the General of the Mint, and the Provost of Edinburgh in name of the Royal Burroughs, against the power of the Justices of Peace.

Act in favours of the Commissioners of Edinburgh.

Act in favours of the Earl of Middleton and Sir John Smith.

Act in favours of the Earl of Middleton and Sir John Weymes.

Act for two Fairs to the Burgh of Culross.

Act for raising a moneths maintenance, imposed in the year; one thousands six hundred and fifty one, for the Kings use, and eighty thousand marks due by the Burroughs.

Act in favours of the Earl of Dundee.

Act in favours of the Hat-makers in Edinburgh, and Protestation by the Town of Edinburgh against it.

Decree John Macdonald contra Campbell.

Decree of forfeiture against John Swinton.

Act rescinding the pretended forfeiture of the Earl of Branford.

Ratification in favours of the Earl of Panmure.

Commission for the Fishings of North and South Esk.

Ratification in favours of the Lord Rebo.

Ratification in favours of the Earl of Murray.

Ratification of the Rights and Liberties of the Burgh of Dundee.

Ratification in favours of the Burgh of Kintor.

Ratification in favours of the Earl of Tweeddale.

Ratification in favours of Alexander Thomson.

Ratification in favours of the Earl of Athol.

Ratification to Sir John Gilmer, President of the Session, of his Rights of the Barony of Craigmiller.

Ratification in favours of the Burgh of Dunkell, and Protestations by the Town of Perth against it.

Two Ratifications to the Earl of Crawford and Lindsay.

Ratification to the Earl of Lauderdale of the regality of Thirlestane and Lordship of Muckleburgh.

\* Rat. to the Earl of Lauderdale of the gift of Swintons forfeiture.

Ratification in favours of Mr. James Douglas,

Ratification to Sir John Gilmer of his gift of Pension.

Ratification to Sir James Hope of his right to the Mines.

Ratification in favours of the Laird of Calder.

Ratification in favours of the Burgh of Aberdeen.

Ratification in favours of Mr. John Herbertson.

Ratification in favours of the Earl of Home.

Ratification in favours of Sir Alexander Home.

Ratification in favours of Mr. John Cunningham.

Ratification in favours of James Innes.

Ratification in favours of Sir James Cunningham.

Ratification in favours of Sir Robert Murray of Camron.

Ratification in favours of the Earl Marshal.

## SECOND SESSIONS

Act for calling in the Bishops to the Parliament.

Act for settling the Orders in the Parliament-house.

Act concerning Members of Parliament who do not attend.

Commission for the Creditors of the late Marquis of Argyle.

Commission for trying the burning the Gates of Drumlanrig.

Modi-

## A Table of the un-printed Acts.

- Modification and Recommendations for some suffering Ministers;  
Proclamation for the anniversary Thanksgiving.  
Act concerning the Earl of Morton and Town of Kirkwall.  
Act for yearly Fairs in Ceresphrin.  
Act in favours of the Lord Fraser, for his Title of Lord Fraser.  
Act betwixt the Lord Burghly and Shire of Fife.  
Act in favours of Alexander Bruce, Brother to the E. of Kincardine.  
Act against the Chapter of Argyl, and Glenorchies Protestation against it.  
Act in favours of the Inhabitants of Orkney.  
Act for relief of those who were over-burdened in their Levies, in anno, 1649 for their concurrence in the Engagement, in anno, 1648.  
Act concerning the Ministers of Edinburgh.  
Act rescinding the pretended forfeiture against Halsall.  
Act in favours of the Earl of Perth and others, for some monies due to them by the Shire of Perth.  
Commission for the Creditors of forfeited persons.  
Act for keeping the Registers of Session in the Parliament-house.  
Decree Marquess of Huntly contra Innes Cromarty, Rob. Fonlis, &c.  
Decree Laird of Haddo contra Leslie.  
Act of dissolution of the Earldom of Orkney.  
Decree Mackland contra Mr. David Drummond, &c.  
Decree Sir James Mackdonald contra Mackenzie Invera.  
Act for changing the Way betwixt the South Ferry and Cramond.  
Act in favours of the Town of Edinburgh.  
Decree against Archibald Campbell.  
Decree of forfeiture against Ardkinlass and Ormsay.  
Act in favours of the Lord Lyon.  
Act for an Arch-deanry in the Isles.  
Act in favours of Sir Robert Fletcher.  
Decree Mrs. Whaley contra Lamington.  
Act for changing the Mercat-day in Aberdeen.  
Act in favours of the Town of St. Andrews.  
Act for yearly Fairs to the E. Kinghorn, Glenorchie, Tarbet & Haddo.  
Act for two Fairs yearly, and a weekly Mercat in Dalmeny.  
Act in favours of the Earls of Queensberry and Annandale.  
Decree in favours of Mr. Thomas Mackenzie.  
Act for building a Meal-mercatt in Dumfries.  
Act concerning the Declaration.  
Act against the manner of voting by Billets.  
Act for excepting some persons from publick Trust.  
Act containing some exceptions from the Act of Indemnity.  
Act against the Children and Posterity of forfeited Persons.  
Act in favours of the Countess of Bransford and Lady Ferrester.  
Act in favours of the Lord Mackdonald.  
Act in favours of Lament.  
Act freeing Bishops Vassals from the charges of Commissioners to the Parliament.  
Commission for rectifying the Valuations of Aberdeen Shire.  
Recommendation in favours of John Mein.  
Decree Danolich against Campbell.  
Suspension of publick Debts, with References in favours of the Lord Burghly and Lord Carden.  
Ratification in favours of the Archbishop of St. Andrews.  
Ratification in favours of the Bishop of Edinburgh.  
Ratification in favours of the Bishop of Galloway.  
Ratification in favours of the Bishop of Brechin.  
Ratification in favours of the Bishop of Argyl.  
Ratification in favours of the Earl of Crawford and Lindsay.  
Two Ratifications in favours of the Duke of Lennox.

## A Table of the un-printed Acts.

Two Ratifications in favours of the Earl of Athol.  
Ratification in favours of the Earl of Tullibarden.  
Ratification to Sir John Giffier of his Lands of Craiglochbar.  
Ratification to the Laird of Morphie.  
Ratification to the Laird of Allardice.  
Ratification to the Laird of Glenorchie.  
Two Ratifications to the Laird of Cromarty.  
Ratification to John Beaton.  
Ratification to the Burgh of Linlithgow.  
Ratification to Sir John Stepcalan.  
Ratification to Paul Symon.  
Ratification to the Earl of Annandale.  
Ratification to the Earl of Newburgh.  
Ratification to Sir Robert Innes of Mureton.

### THIRD SESSION

{ **A**ct concerning the constitution and election of the Lords of the Articles.  
Warrant for personal Protections against Captions; for some time, to the Lord Sinclair and others.  
Commission for trying of the contrivance and carrying on of the Act of Biling.  
Decree and Sentence of forfeiture against Archibald Johnston, sometime of Waristown.  
Act ratifying the Remission granted to George Campbell.  
Act for annexing some Kirks to the Deancy of St. Andrews.  
Record of the production of the Duke of Monmouth's Patent to be Duke of Buccleuch.  
Act allowing to the Ministers who served before and in the year, one thousand six hundred and sixty two, the half of the Stipend due for that year.  
Ratification in favours of Sir Peter Wedderburn.  
Act rescinding a former Act past in the last Session of Parliament, anent some Fees acclaimed as due to the Lyons Office.  
Act concerning the matter of Biling, and a Letter directed to His Majesty thereupon.  
Act for repairing the High-wayes at the Town of Preston.  
Warrant for three Fairs to the Town of Newburgh.  
Act concerning the pardoning and restoring the Children of forfeited persons.  
Angus and Donald Macklands declared Fugitives.  
An Imposition for repairing and upholding a Bridge in Claid's dail.  
Warrant for changing the Fair-day of the Town of Clackmannan.  
Reference to His Majesty concerning the Proceis against Aijine.  
Act concerning the Imposition laid on English Commodities.  
Act past in favours of Silk-weavers, &c.  
Act for changing of the name of Souter, of lace used by some of the name of Johnston.  
Act for an Imposition for repairing the High-way betwixt Corforpin and the Cow-bridge.  
Warrant for changing the Fair-day of the Town of Nairn.  
Commission concerning the Annual-rents due by person forfeited by the Usurpers.  
Act rescinding the Acts past in the second Session of this Parliament, for excepting from publick Trial and voting it by Billets.  
Act in favours of Doctor Colvill.

## A Table of the un-printed Acts.

- Act concerning the riding of the Parliament, and the Penalties of such as shall be absent from it.  
Decree betwixt Sir Arthur Forbes and the Lord Cochran:  
Act in favours of Mr. John Wilkie.  
Act anent the vacant Stipends in Argyll and Isles.  
Act for repairing the Bridge of Tullibedie.  
Act for the disposal of some vacant Stipends.  
Act for the Bridge of Dalkeith.  
Act for upholding the Bridge of Kippen; and for two Fairs at the Kirk of Kippen:  
Act for a yearly Fair in the Barony of Caskibon.  
Act for changing the weekly Mercat of Peterweymo.  
Act in favours of John Halybranton, concerning his Writs.  
Act appointing the Fines to be payed into any person his Majesty shall appoint.  
Act in favours of the Captain of Dunstaffnage and others.  
Two Fairs yearly to be kept in the Barony of Presoy.  
The Fairs granted to the Town of Whitburn changed in the dayes and dyets thereof.  
Decree the Earl of Roxburgh contra Sir John Weynes.  
Act for two Fairs and a weekly Mercat in Stanbyve.  
Act concerning the making of Cairds.  
Recommendation in favours of the Marquess of Montrose.  
Warrant for two Fairs and weekly Mercat to the Laird of Drum.  
Warrant for paying of some debt due by the Shire of Dumfries.  
An Act and Ratification of the Contract of Marriage betwixt the Duke and Duchess of Buccleuch, and Warrant for registering the Contract.  
Act concerning the Stipend of the Ministers of the Cannongate.  
Remit the Duke of Hamilton contra Lady Forrester.  
Warrant for two Fairs, and for changing the Mercat-day of the Barony of Skirling.  
Warrant for a yearly Fair on the Brae of Athel.  
Act for a Fair and weekly Mercat on the Lands of Kinney.  
Act concerning Broomballs Writs.  
Act for an Imposition, for repairing and keeping up the Bridge of Sandbombie and Clegorn.  
Remit to the Session concerning the eighty thousand merks claimed from the Burroughs.  
Lawsuits Process against George Chamble remitted to the Session.  
Recommendation in favours of some suffering persons.  
Commission for ordering the prices of Offices, Writs and Seals.  
Act suspending execution for publick debts untill the next Parliament.  
Act concerning the Zetland Company of White-fishing, remitted to the Council.  
Act for a yearly Fair in Paisley.  
Remit to the Council anent the Act for Trade.  
Warrant for changing a Way near Leidinon.  
Act for renewing the Justices of Peace.  
Ratification in favours of Sir Andrew Aikton.  
Ratification in favours of the Lords of the Session.  
Ratification in favours of David Souter.  
Ratification in favours of Mr. Alexander Foulis of Ratho.  
Ratification in favours of the Bishop of Aberdeen.  
Ratification in favours of Sir Robert Sinclair of Stenton.  
Ratification in favours of Mr. Robert Sinclair of Langformacus.  
Ratification in favours of Thomas Hamilton of Bathgate.  
Ratification in favours of William Preston of Falkfield.  
Ratification in favours of Mr. Robert Preston of that ilk.

## A Table of the un-printed Acts.

Ratification in favours of Michael Balfour of Pitmedden.

Ratification in favours of James Campbell and his Son.

Ratification in favours of John Maitland.

Ratification of a mortification in Perth.

Ratification in favours of George Home of Kames.

Ratification in favours of the Earl of Crawford and Lauderdale, the Lord Parbrough, the Lairds of Hatton and Ardross; Colonel Leslie and James Scot, of their Gifts of Mines and Minerals.

Ratification in favour of James Dickson.

Ratification in favours of the Burgh of Whitchorn.

Ratification in favours of Sir John and Mr. Alexander Gibson,

Ratification in favours of the Earl of Roslin.

Ratification in favours of the Earl of Dunfermline.

Ratification in favours of Sir John Home of Renfrew, Lord Justice Clerk, and

Protestation for Sir Alexander Home and Wedderburne against it.

Ratification in favours of William Scot of Ardross.

Rat. to the Town of Edinburgh of their right to the Citadel.

Ratification in favour of Captain Turnbull.

Act of Parliament for the Relief of the Poor.

Act of Parliament for the Relief of the Poor.

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